

**To:** Konkus, John[konkus.john@epa.gov]  
**Cc:** Richardson, RobinH[Richardson.RobinH@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]; Cheatham-Strickland, Latonia[Cheatham-Strickland.Latonia@epa.gov]  
**From:** Barbery, Andrea  
**Sent:** Fri 3/17/2017 7:40:36 PM  
**Subject:** RE: ECOS Questions for Tues. Mar. 21  
[Administrator TPs for ECOS Regarding Litigation.docx](#)  
[OW march 17 2017 ECOS call Admin Q A Infrastructure Permits etc.docx](#)  
[DRAFT Talking Points Pruitt Call w ECOS 3-21-17.docx](#)  
[2017 WOTUS FR.pdf](#)

Hi John and Lincoln,

Please find, attached:

- 1) Draft talking points drafted by the NPMs, responding to ECOS's questions
- 2) OGC background/additional talking points
- 3) OW background
- 4) Mar. 6, 2017 Federal Register Notice on WOTUS

I've indicated on the briefing memo that the Administrator will receive his final talking points separately (i.e, from your shop).

I'll copy you in a moment on the email transmitting the other briefing materials, so you have background material on ECOS. Please let me know if you need anything more.

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397



**From:** Konkus, John  
**Sent:** Wednesday, March 15, 2017 2:54 PM  
**To:** Barbery, Andrea <Barbery.Andrea@epa.gov>  
**Cc:** Richardson, RobinH <Richardson.RobinH@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>  
**Subject:** RE: ECOS Questions for Tues. Mar. 21

Thank you Andrea. Copied on this email is Lincoln. What I suggest is if you and the appropriate program offices provide a first draft for each question and then send that to Lincoln for refinement. That way Lincoln can work from a starting point that has technical answers built in so he doesn't have to go around and find that info.

Does that makes sense to everyone?

**From:** Barbery, Andrea  
**Sent:** Wednesday, March 15, 2017 2:42 PM  
**To:** Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>  
**Cc:** Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>; Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** ECOS Questions for Tues. Mar. 21

Hi John,

A pleasure to meet you today!

As we discussed, here are the questions ECOS gathered from its members (state environmental commissioners) in preparation for the Administrator's engagement next Tuesday, March 21. He has 30 minutes with this group (via phone) – typically, 20 of those are spent delivering remarks and 10 are open for Q&A (states only on the line).

Thank you for taking care of the talking points on this! If you need anything more (background, logistics, etc), please let me know.

Thanks,

Andrea Barbery (ECOS liaison)

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

## **ECOS Questions for Administrator Pruitt**

### **For ECOS All-Commissioner Call**

**March 21, 2017 3-3:30 PM**

#### **General Priorities:**

1. What do you see as your top 3 priorities in the next 6 months?
2. Can you share with us any information on plans/timing for appointment of Regional Administrators or nomination of key positions like Assistant Administrators?

#### **Budget:**

*OCFO Response* (POC: Carol Terris, 564-0533):

**Deliberative Process Privilege/Ex. 5**

#### **State Authority & Consultation:**

5. What steps will you take to make delegation of primacy to states for programs like Underground Injection Control and assumption of the Clean Water Act Section 404 program (where there has been a difference of opinion between the Corps and EPA on assumption, with EPA favoring and the Corps putting up roadblocks)?

*OW response* (POC: Christine Ruf, 564-1220):

Safe Drinking Water Act Underground Injection Control Program:

**Deliberative Process Privilege/Ex. 5**

## **Deliberative Process Privilege/Ex. 5**

Clean Water Act Section 404:

## **Deliberative Process Privilege/Ex. 5**

*~ Additional information on this topic is attached separately ~*

6. How do you plan to consult with states on next steps for the Waters of the U.S. Rule?

*OW response* (POC: Christine Ruf, 564-1220):

## **Deliberative Process Privilege/Ex. 5**

# Deliberative Process Privilege/Ex. 5

7. ECOS is generally opposed to the “sue and settle” approach where consent decrees may impose deadlines and obligations on state agencies without allowing them to weigh in before agreeing to a proposed consent decree. Can you discuss any ideas you are looking at to help ensure that states at least have a role in these settlement discussions?

*OGC response* (POC: Kevin Minoli, 564-5551):

# Deliberative Process Privilege/Ex. 5

agreement.

- Under my leadership, EPA will work with the Department of Justice to defend the choices we have made about how to prioritize our resources whenever that is the right decision – including when a party challenges those choices in court.

## Deliberative Process Privilege/Ex. 5

*~ Second tier talking points on this topic are available; they are attached separately. ~*

### Regulatory Reform:

8. Having spent a considerable amount of time identifying state rules that are unnecessary or outdated, we've learned that eliminating regulations is sometimes more difficult than creating them. How is EPA designing its 2 for 1 process? Would you consider involving states and the regulated community in the design of the 2 for 1 process?

*OP response* (POC: Robin Kime, 564-6587):

## Deliberative Process Privilege/Ex. 5

## Deliberative Process Privilege/Ex. 5

### Infrastructure:

9. Environmental infrastructure spending is an abundantly obvious solution to much of our environmental challenges. What steps will the Administrator take to improve our infrastructure?

*OW response* (POC: Christine Ruf, 564-1220):

## Deliberative Process Privilege/Ex. 5

Infrastructure Finance- State Revolving Fund Programs:

## Deliberative Process Privilege/Ex. 5

Infrastructure Finance – WIFIA and Water Finance Center:

## Deliberative Process Privilege/Ex. 5

## **Deliberative Process Privilege/Ex. 5**

10. The federal permitting process for environmental and infrastructure improvement projects has a poor reputation. What role can EPA play to reduce the frustration of trying to obtain these permits?

*OW response* (POC: Christine Ruf, 564-1220):

## **Deliberative Process Privilege/Ex. 5**

### **Research:**

11. What is the role of research going forward at EPA? Are you aware of the State Research Priorities Needs and what steps can we take to align EPA research to answer state questions?

*ORD Response* (POC: Lisa Matthews, 564-6669):

## **Deliberative Process Privilege/Ex. 5**



# **Deliberative Process Privilege/Ex. 5**

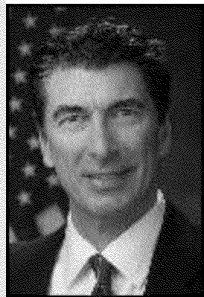
**To:** This Week @ EPA[epanews@epa.gov]  
**From:** This Week @ EPA  
**Sent:** Mon 2/13/2017 3:18:40 PM  
**Subject:** This Week @ EPA - February 13, 2017



February 13, 2017

[Senior Leadership Message](#) | [Hot Topics](#) | [Key Dates](#) | [Video Spotlight](#) | [Health & Wellness](#) | [EPA Store](#)

## Senior Leadership Message



Growing up on a farm in Minnesota, I learned to appreciate the connection between our environment and food. Even from the middle of a remote rural outpost, I often imagined the amazing trek our soybeans and corn would take from our small farm, to the Mississippi River, and onward across oceans to hungry people around the world. Feeding the world is a big enterprise, and it has big and inevitable impacts on the environment. Farm people understand that connection. And we just don't like to waste anything...especially food. Zero waste, or darn close to it, was just our way of life, and it's good for the environment. That's one of the reasons why the Agency's commitment to food waste reduction and associated actions at our headquarters facility are so near and dear to my heart.

Through a 2014 [GreenSpark](#) challenge, we learned that the [Emerging Leaders Network](#) was working with the General Services Administration (GSA) to implement composting in the public areas of the Ronald Reagan Building (RRB), including the food court. Composting is now available at the William Jefferson Clinton

Buildings and in EPA-occupied space within RRB. The effort was made possible through the vision and enthusiasm of staff in several offices, including Mark Seltzer in the Office of Enforcement and Compliance Assurance, and Robert Courtnage in the Office of Chemical Safety and Pollution Prevention. Both Mark and Robert are highlighted this week on the One EPA Workplace homepage.

As EPA and the U.S. Department of Agriculture continue to emphasize the importance of public and private sector action to reduce food loss and waste by 50 percent by 2030, we, too, must demonstrate our leadership through our actions to assess our own food waste and to institutionalize best practices where we can.

I am repeatedly awed and humbled by the dedication of EPA employees to our Agency's mission. In addition to reducing food waste here in the RRB complex, another goal of this project is to educate the large number of school-aged children who tour the RRB, along with other people who visit there, about the importance of composting. I think EPA is the most consequential force for environmental protection in the world, and our work helps all Americans have a clean and healthy environment in which to live, work, and play.

If you have a great idea about how to address a problem, meet an agency objective, or share employee success stories, get the support of a manager and launch a challenge in GreenSpark. Look what it did to bring composting to the RRB! Working together, we can ensure that future successes like this continue for years to come.

John Reeder

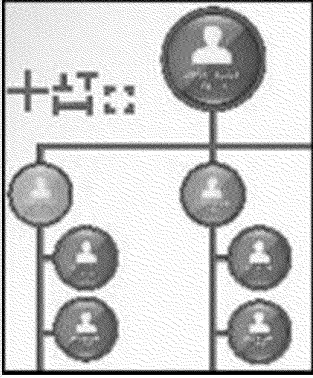
Acting Chief of Staff

Visit the [EPA Transition site](#) to keep up to date on planning for the Presidential transition.

## Hot Topics

## External Civil Rights Office moves to Office of General Counsel





In December, the Agency took steps to strengthen the ability to carry out our external civil rights enforcement responsibilities by reorganizing the functions of the Office of Civil Rights with respect to its External Compliance and Complaints Program. This external civil rights enforcement function now resides organizationally within the External Civil Rights Compliance Office (ECRCO), which is located in EPA's Office of General Counsel (OGC).

ECRCO will continue to carry out the same federally mandated responsibilities to enforce several civil rights laws which, together, prohibit discrimination on the basis of: race, color, or national origin (including on the basis of limited-English proficiency); sex; disability; and age by applicants for and recipients of federal financial assistance from EPA (Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, respectively), as well as the responsibility for enforcing Section 13 of the Federal Water Pollution Control Act Amendments of 1972, which prohibits discrimination based on sex under programs or activities receiving financial assistance under the Clean Water Act.

[Learn more](#) about ECRCO.

## Regional Clean Water Act enforcement actions



EPA Regions continue to take actions to resolve alleged Clean Water Act (CWA) violations. The following are some noteworthy CWA cases that have occurred in the last few weeks:

- Under the terms of a Consent Decree lodged in federal court, EMD Millipore Corp. of Jaffrey, N.H., will upgrade its onsite wastewater treatment system to comply with the terms of the company's industrial wastewater discharge permit and prevent pretreatment violations of the federal CWA. [Read more.](#)
- EPA, the Department of Justice, and the Indiana Department of Environmental Management reached an agreement with the Hammond Sanitary District in Hammond, Ind., that will resolve long-standing violations of the CWA involving discharges of untreated sewage into the Grand and Little Calumet Rivers. [Read more.](#)
- United States District Court Judge Gregory M. Sleet sentenced the International Petroleum Corporation of Delaware to a \$1.3 million fine and \$2.2 million restitution to the City of Wilmington for environmental crimes, including a conspiracy to violate the CWA. [Read more.](#)
- EPA settled with Wilson Oil, Inc. (doing business as Wilcox & Flegel Oil Co.) for alleged CWA spill prevention violations at its Longview Terminal facility in Longview, Wash. [Read more.](#)

## EPA continues to ensure public health protection at Superfund sites

**The Region 1 Superfund program has completed** reviews of site cleanups at nine National Priorities List (NPL) sites, and has **begun working reviews of 12 NPL sites, including two federal facilities this year.**



Throughout the Superfund process, EPA's first goal is to make sure remedies will protect public health and the environment. Once a remedy or portion of a remedy has begun, EPA continues to ensure its protection by requiring comprehensive reviews of cleanups every five years, even where sites have been redeveloped. In addition to this extensive review of the remedy itself, its engineering, and its overall functionality, EPA may also look at outside variables that could potentially affect the performance of the remedy, such as redevelopment, impacts from storms or flooding, and overall wear and tear. Five year review evaluations identify any issues and, if called for, recommend action(s) necessary to address them.

Last year, Region 1 reviewed remedies at sites like the Materials Technology Lab (U.S. Army) in Watertown, Mass, where 30 acres of the former hazardous waste site are now a mixed use complex, including apartments, retail stores, restaurants, offices, and various other businesses, providing approximately 3,000 jobs.

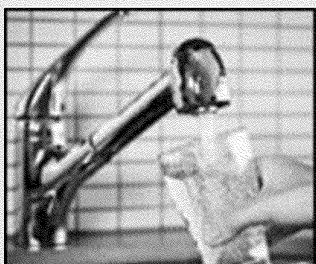


Currently, EPA is working with the Army, the State, and a developer on further redevelopment plans for another portion of the Materials Technology Lab Site, which includes upgraded utilities, a parking garage, and several new buildings. The 2016 Five Year Review identified the need to assess the potential risk from vapor intrusion and those efforts are currently ongoing.

For more information on Superfund sites where Region 1 will begin five year reviews in FY2017, see the [press release](#).

For more information on Superfund sites where Region 1 has completed five year reviews in 2016, see the [press release](#).

## **\$100 million in supplemental water infrastructure funding now available**



Created in December 2016, the 2017 Water Infrastructure Improvements for the Nation Act (WIIN) authorized the appropriation of \$100 million in disaster-related supplemental funding under the Drinking Water State Revolving Fund (DWSRF). Last week the Office of Water notified Region 5 and published a memorandum that outlines how eligible states and public water systems can apply for this supplemental funding.

Currently, only the City of Flint and the state of Michigan meet the eligibility requirements to receive these funds. To receive the supplemental funding, a state must submit an application to EPA that includes an intended use plan. EPA will review the application and expedite the capitalization grant award process. [Learn more](#).

### **Key Dates**

### **Video Spotlight**





Click on each event below to get more details.

Click on the "Add to Calendar" button to add an event to your Outlook calendar.

If you see a log-in screen, please click on your EPA email, or if prompted, enter your email and network password.

### Happening This Week:

**Feb. 15:** [Employees: Early Time & Attendance for Pay Period Ending Feb. 18](#)



**Feb. 16:** [Sups&Mang: Early Time & Attendance for Pay Period Ending Feb. 18](#)



### Coming Soon:

**Feb. 20:** [President's Day \(Holiday\)](#)



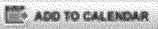
**Feb. 21:** [How to Use Online CFRs webinar](#)



**Mar. 2:** [Lean Overview Webinar](#)



**Apr. 6:** [Lean Overview Webinar](#)



## Protect Your Heart from Air Pollution

February is American Heart Month. Did you know air pollution can trigger heart attacks and strokes? It can also worsen heart disease. Protect your heart from air pollution. Check the daily Air Quality Index forecast and reschedule outdoor exercise on bad air quality days.



(video length 0:30)

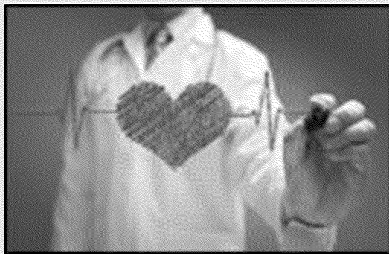
### Health & Wellness

**Know the signs of a heart attack**

### IT Corner

**Learn more about OneNote, 508 compliance via webinars**





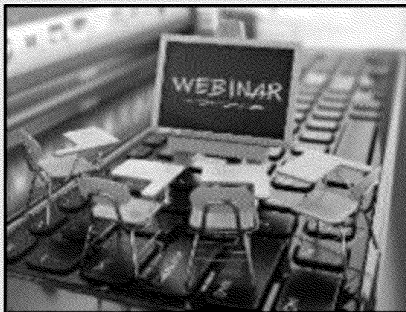
February is American Heart Month, a time to focus on your heart's health. According to the Centers for Disease Control and Prevention, more than 735,000 Americans have a heart attack every year. Heart disease (e.g., coronary artery disease) is the main cause of a heart attack.

Following are the signs and symptoms of a heart attack:

- Chest pain or discomfort
- Pain or discomfort in other areas of the upper body
- Shortness of breath
- Nausea
- Lightheadedness
- Breaking out in a cold sweat

Immediately call 911 if you or someone around you experiences these symptoms. For more information, visit the [EPA heart health page](#).

Check out this week's [Video Spotlight](#) to find out how you can protect your heart from air pollution.



We want to help you make the best use of new information technology tools available to you. EPA's IT Training Program offers professional, live training on standard EPA software to all employees. Courses are one to two hours long and are taught via Adobe Connect.

Visit the [IT Training Program SharePoint site](#) to view the [webinar calendar](#) and register for training sessions. All courses are available at no cost to all employees.

#### February Webinars:

- ☐ Hands-on Intro to My Workplace
- ☐ Skype for Business
- ☐ Planning Your SharePoint Site
- ☐ OneNote
- ☐ App of the Month: Calendars
- ☐ Intro to Section 508 ... and more!

#### Custom Training Request Form

You can request a special delivery of a class based around your requirements. Instructors provide these classes at no extra cost dependent on their availability. [Learn more.](#)

We would love to hear your feedback about this newsletter. Please contact us at: [internalcomms@epa.gov](mailto:internalcomms@epa.gov) | <http://intranet.epa.gov/internalcomms>

Looking for previous editions of the Newsletter? Go to the [Newsletter Archive](#)



Banner image credit: Chelsea Berg, Office of Research and Development, taken in New Hampshire.

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** McGrath, William  
**Sent:** Tue 3/7/2017 9:35:46 PM  
**Subject:** Letter to Administrator Pruitt EPA re Unredacted FOIA Documents Attachment pt 4  
[removed.txt](#)

**Bill McGrath**

**Staff Director**

**Subcommittee on Interior, Energy and Environment**

**House Committee on Oversight and Gov't Reform**

**Phone: (202) 225-6534**

**Email: [William.McGrath@mail.house.gov](mailto:William.McGrath@mail.house.gov)**

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Thur 3/16/2017 5:35:48 PM  
**Subject:** RE: Today's Meeting with Hesperia, CA Locals (2:45 - 3:15 pm) 5530 WJC North )Your Time Allotment: 2:45 - 3:00 pm)

Oops – sorry -can you shoot me the number? I should have it but I don't. Thx!

M. Arnita Hannon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Phone/Ex. 6**

202.501.1545 (Fax)

hannon.arnita@epa.gov

**From:** Bangerter, Layne  
**Sent:** Thursday, March 16, 2017 1:34 PM  
**To:** Hannon, Arnita <Hannon.Arnita@epa.gov>  
**Subject:** Re: Today's Meeting with Hesperia, CA Locals (2:45 - 3:15 pm) 5530 WJC North )Your Time Allotment: 2:45 - 3:00 pm)

Can you please call my cell

Sent from my iPhone

On Mar 16, 2017, at 1:12 PM, Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)> wrote:

Hi Layne –

Popped around a couple of times but wanted to just refresh on how these meetings generally flow:

Your meeting time allotments: 10 – 15 minutes (per your discretion).

**Deliberative Process Privilege/Ex. 5**

Arnita

M. Arnita Hannon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Phone/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**From:** Cheatham-Strickland, Latonia  
**Location:** Ex. 5 - Deliberative Process  
**Importance:** Normal  
**Subject:** FW: (Agenda Attached) Acting Deputy Regional Administrators DRA Bi-weekly Conference Call  
**Start Date/Time:** Thur 3/9/2017 5:00:00 PM  
**End Date/Time:** Thur 3/9/2017 6:00:00 PM  
Acting DRA Agenda 3.9.17.docx

-----Original Appointment-----

**From:** RegionalOperations  
**Sent:** Friday, March 03, 2017 9:05 AM  
**To:** RegionalOperations; Moraff, Kenneth; Mugdan, Walter; Armstead, John A.; Lapierre, Kenneth; Newton, Cheryl; Gray, David; Flournoy, Karen; Bohan, Suzanne; Jordan, Deborah; Dan Opalski (Opalski.Dan@epa.gov); Scholten, Karly; Jenkins, Laura Flynn; McDonald, James; AO-ORO; Lead Region Coordinators HQ  
**Cc:** Kent, Alison; Nitsch, Chad; Zawlocki, Chris; Saddler, Melissa; Gargas, Toni; Vuong, Stephanie; Cheatham-Strickland, Latonia; Richardson, RobinH; LaBoda, Sarah; Buhl, Rick; Kortuem, Patrice; DeDora, Caroline; 7903 Greeley; Lowe, Jill; Norcross, Jeffrey; Westenberger, Andrea; Perez, Idalia; Graves, Kimberly; Balasa, Kate  
**Subject:** (Agenda Attached) Acting Deputy Regional Administrators DRA Bi-weekly Conference Call  
**When:** Thursday, March 09, 2017 12:00 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** B Non-responsive Conference Code/Ex.6

## Deputy Regional Administrators (DRA) Teleconference

The Acting DRA calls will commence next week as the acting DAAs are having a bi-weekly as well. The call-in number is Non-responsive Conference Code/Ex.6 and the conference code is Non-responsive Conference Code/Ex.6. If the region leading the teleconference cannot attend, please call regional operations at 202-564-3100. Thank you.

DRA Call lead for Thursday March 9

**Deb Jordan (Region 9)**

**From:** Google Calendar  
**Location:** TBD  
**Importance:** Normal  
**Subject:** Accepted: Dinner w/ Lou Esposito @ Wed Apr 19, 2017 8:30pm - 10pm (UTC) (Bangerter, Layne)  
**Start Date/Time:** Wed 4/19/2017 8:30:00 PM  
**End Date/Time:** Wed 4/19/2017 10:00:00 PM  
[invite.ics](#)

.....  
\*\*\*\*\*

Personal Email/Ex. 6

 has accepted this invitation.

### Dinner w/ Lou Esposito

*When* Wed Apr 19, 2017 8:30pm – 10pm GMT (no daylight saving)

*Where* TBD ([map](#))

*Calendar* Bangerter, Layne

*Who* •Bangerter, Layne - organizer

Personal Email/Ex. 6

 creator

---

Invitation from [Google Calendar](#)

You are receiving this courtesy email at the account [bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov) because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at <https://www.google.com/calendar/> and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More.](#)

**Dinner w/ Lou Esposito**  
**TBD**  
**20170419T203000Z**  
**CONFIRMED**

**PRODID**

-//Google Inc//Google Calendar 70.9054//EN

**Version**

2.0

**CALSCALE**

GREGORIAN

**METHOD**

REPLY

**Start Date/Time**

20170419T203000Z

**End Date/Time**

20170419T220000Z

**DTSTAMP**

20170404T135408Z

**ORGANIZER** ( CN="Bangerter, Layne" )

mailto:bangerter.layne@epa.gov

**UID**

040000008200E00074C5B7101A82E00800000000903CB3D226ADD201000000000000000  
0100000004945E79F0AE3B94C88D3C529304D7537

**Attendee** mailto:lou@spartac.com

*Role* REQ-PARTICIPANT

**CREATED**

20170404T133926Z

**Description**

**Last Modified**

20170404T135408Z

**Location**

TBD

**Sequence Number**

0



**Status**

CONFIRMED

**Summary**

Dinner w/ Lou Esposito

**Time Transparency**

OPAQUE

**X-MICROSOFT-CDO-ALLDAYEVENT**

FALSE

**X-MICROSOFT-CDO-APPT-SEQUENCE**

0

**X-MICROSOFT-CDO-BUSYSTATUS**

TENTATIVE

**X-MICROSOFT-CDO-IMPORTANCE**

1

**X-MICROSOFT-CDO-INSTTYPE**

0

**X-MICROSOFT-CDO-INTENDEDSTATUS**

BUSY

**X-MICROSOFT-CDO-OWNERAPPTID**

811878369

**X-MICROSOFT-DISALLOW-COUNTER**

FALSE

**To:** Bowles, Jack[Bowles.Jack@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Bailey, KevinJ[Bailey.KevinJ@epa.gov]; Levine, Carolyn[Levine.Carolyn@epa.gov]; Kaiser, Sven-Erik[Kaiser.Sven-Erik@epa.gov]; Haman, Patricia[Haman.Patricia@epa.gov]; Moody, Christina[Moody.Christina@epa.gov]; Osinski, Michael[Osinski.Michael@epa.gov]  
**Cc:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Cheatham-Strickland, Latonia  
**Sent:** Wed 3/1/2017 3:19:00 PM  
**Subject:** RE: Standing Managers Mtg

Jack,

The meeting doesn't start until 10:30 today. But I'll check out the line.

---

**From:** Bowles, Jack  
**Sent:** Wednesday, March 01, 2017 10:17 AM  
**To:** Richardson, RobinH <Richardson.RobinH@epa.gov>; Bailey, KevinJ <Bailey.KevinJ@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Moody, Christina <Moody.Christina@epa.gov>; Osinski, Michael <Osinski.Michael@epa.gov>  
**Cc:** Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>  
**Subject:** RE: Standing Managers Mtg

Line has a busy signal . . .

-----Original Appointment-----

**From:** Richardson, RobinH  
**Sent:** Wednesday, January 25, 2017 12:45 PM  
**To:** Richardson, RobinH; Bailey, KevinJ; Levine, Carolyn; Kaiser, Sven-Erik; Haman, Patricia; Moody, Christina; Bowles, Jack; Osinski, Michael  
**Cc:** Cheatham-Strickland, Latonia; Bangerter, Layne  
**Subject:** Standing Managers Mtg  
**When:** Wednesday, March 01, 2017 10:30 AM-11:15 AM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** DCRoomARN3428/OCIR

**Non-responsive Conference Code/Ex.6**

**To:** Richardson, RobinH[Richardson.RobinH@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Hannon, Arnita[Hannon.Arnita@epa.gov]  
**From:** Bowles, Jack  
**Sent:** Tue 3/14/2017 12:14:40 PM  
**Subject:** Will be in the office Around 10:30 I I hope

Sent from my iPhone

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Richardson, RobinH  
**Sent:** Sun 3/26/2017 9:33:04 PM  
**Subject:** Fwd: Idaho AG Wasden

FYI

Robin H Richardson  
PDAA, EPA/OCIR  
(202) 564-3358 (desk)  
**Personal Phone/Ex. 6** (cell)  
[richardson.robinh@epa.gov](mailto:richardson.robinh@epa.gov)

Begin forwarded message:

**From:** "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Date:** March 26, 2017 at 3:48:32 PM EDT  
**To:** "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>, "Richardson, RobinH" <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>  
**Subject:** FW: Idaho AG Wasden

**From:** Hope, Brian  
**Sent:** Monday, March 20, 2017 5:03 PM  
**To:** Dickerson, Aaron <[dickerson.aaron@epa.gov](mailto:dickerson.aaron@epa.gov)>; Hupp, Sydney <[hupp.sydney@epa.gov](mailto:hupp.sydney@epa.gov)>; Hale, Michelle <[hale.michelle@epa.gov](mailto:hale.michelle@epa.gov)>; Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** FW: Idaho AG Wasden  
**Importance:** High

**From:** Wasden, Lawrence [<mailto:lawrence.wasden@ag.idaho.gov>]  
**Sent:** Monday, March 20, 2017 2:51 PM  
**To:** Pruitt, Scott <[Pruitt.Scott@epa.gov](mailto:Pruitt.Scott@epa.gov)>  
**Subject:** Idaho AG Wasden  
**Importance:** High

Scott,

I am forwarding (below) a personal invitation to you from Steve Cory, PNWIS Conference General Chairman, inviting you to be Plenary Speaker for their regional conference in Boise, Idaho this fall.

I would also like an opportunity to have a phone conversation with you, when time permits, to provide a personal recommendation for Alex LaBeau, current IACI President, who has applied to be Region 10 Administrator. My cell phone numbers are **Personal Phone/Ex. 6**

**Personal Phone/Ex. 6**

Thank you.

Lawrence

LAWRENCE WASDEN

Idaho Attorney General

\*\*\*\*\*

Honorable Administrator Pruitt,

The Idaho Chapter of the Pacific Northwest Section (PNWIS) of the Air and Waste Management Association (A&WMA) would like you to be the Plenary Speaker for the regional conference to be held in Boise, Idaho this fall. The conference will be November 1-3 at the Riverside Inn in Boise. I am aware that the national A&WMA has invited you to our annual convention in Pittsburgh in June. However, since few of us would be able to travel to that event we would appreciate hearing from you of EPA's direction to regulators and the regulated community of Region 10. Of course having the EPA Region 10 Administrator, if they are appointed, speak to us on your behalf would also be appreciated.

As background, the mission of A&WMA PNWIS is to assist in the professional development and critical environmental decision-making of our members to benefit society. PNWIS covers Alaska, British Columbia, Idaho, Montana, Oregon, Washington, and Yukon.

Information on A&WMA can be found at their website <http://www.awma.org/> on the "About" page.

Information on PNWIS and the Idaho Chapter can be found at their website <http://www.pnwis.org/> on the "About" page.

The PNWIS conference brings together Environmental Management Professionals, Engineers, Regulatory Professionals, Consultants, Legal Professionals, Young Professionals, Students, and Equipment Manufacturers to learn about and discuss current environmental issues. Also, as background, EPA Region 10 will hold a meeting October 31 on Title V training for State Regulators. EPA Region 10 will also hold a session with State Regulators and the regulated community to discuss Air Permitting issues the morning of November 1.

We hope you or the Region 10 Administrator would be able to speak to us. If you have questions about the upcoming conference contact me at [stevecory@q.com](mailto:stevecory@q.com) or at **Personal Phone/Ex. 6**

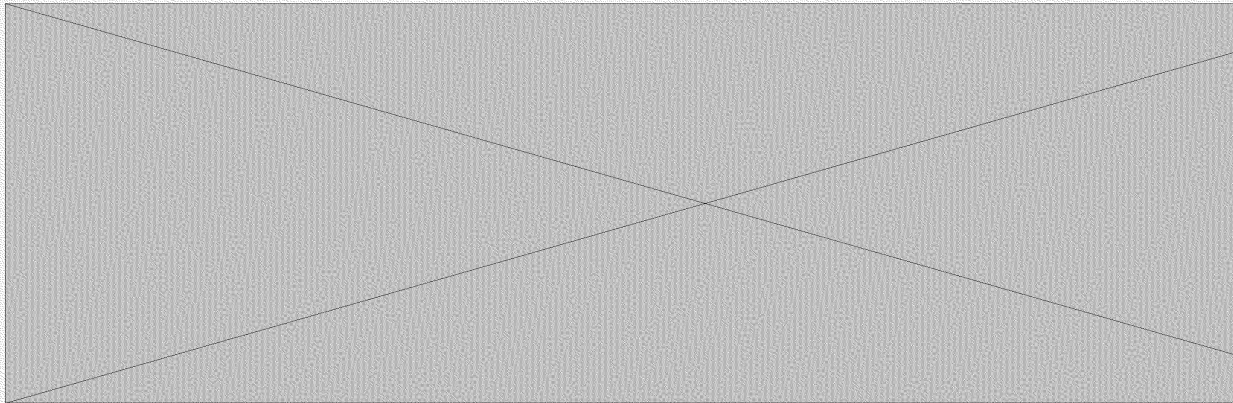
Thank you for your consideration,

Steven Cory

2017 PNWIS Conference General Chairman

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** NLC - National League of Cities  
**Sent:** Sat 3/11/2017 2:21:22 AM  
**Subject:** CCC Starts Tomorrow. Here's What You Need to Know.

[View in a browser](#) | [Forward to a friend](#)



## Welcome to Washington. Let's Get Started.

### This Week in Washington:

You came to Washington to share your voice as a municipal leader with Congress and the Administration—now it's time to do just that.

Recent reports indicate that the Trump Administration will **propose up to \$54 billion in cuts** to domestic spending, including **the elimination of Community Development Block Grants (CDBG)** and other federal programs that directly affect cities. The economy is improving, and that's in large thanks to cities. We know cities are a good investment—this week, it's time to make sure that Congress knows that, too.

The National League of Cities (NLC) is a nonpartisan organization; Our members span the spectrum of political affiliation. Together, we are dedicated to fighting for the strength and health of our communities. It's time to work together to save critical investments in our cities and the nation's economy.



## What can you do?

**Stay Informed:** Download the [NLC Events mobile app](#).

The NLC Events app is your key to staying up to date on the latest conference news, speaker and session information.

**Be Prepared:** Get the resources you need.

On Wednesday, we'll travel to Capitol Hill to tell Congress that an investment in cities is an investment in the nation's economy. Stop by the Advocacy Desk to pick up your Capitol Hill Advocacy Day schedule, NLC button and more information on our Federal Advocacy efforts.

**Marriott Wardman Lobby Level**

## In the meantime, expand your network and your knowledge by attending an NLC University session:

### **NLC University- Healthy Cities**

As mayors, councilmembers and city leaders, you play a pivotal role in the overall health and well-being of the cities and towns you serve. In this seminar, learn how to take action to address the underlying factors that influence health—from cross-sector collaboration to integrating data into your governing approach.

**9:00 a.m. - 12:00 p.m.**  
**Maryland Suite C**

### **NLC University- Shared Wisdom Lunch**

Bringing together local and national leaders, the [Shared Wisdom Lunch](#) recognizes certificate recipients for their educational achievements. Gain insight from seasoned professionals, connect with your peers and listen to keynote Malcom Chapman, former councilmember, Rapid City, S.D., and founder and president of The Chapman Group.

**12:00 p.m. - 2:00 p.m.**

**Marriott Ballroom Salon 1**

### **NLC University-Congrats, You Got Elected: Now what?**

Just for newly elected officials, this course provides essential lessons and strategies for those eager to make a difference.

**2:00 p.m. - 5:00 p.m.**

**Maryland Suite C**

Register onsite and check out the rest of the [NLC University sessions](#) for more topics and information.

**Also Announced:**

Attorney General Jeff Sessions has been called to a Cabinet meeting, and will not be speaking at our Monday afternoon General Session.

---

This message was intended for: [bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)  
You were added to the system March 10, 2017.  
For more information [click here](#). [Update your preferences](#)  
[Unsubscribe](#) | [Unsubscribe via email](#)

**To:** Bangerter, Layne[bangerter.layne@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]  
**Cc:** Campbell, Ann[Campbell.Ann@epa.gov]; Best-Wong, Benita[Best-Wong.Benita@epa.gov]  
**From:** Shapiro, Mike  
**Sent:** Thur 2/16/2017 3:54:39 AM  
**Subject:** Environmental Financial Advisory Board Follow-up information  
DRAFT Agenda.docx

Layne, Holly,

Per our discussion yesterday at the Water Infrastructure/WIFIA briefing, I'd like to invite you both to attend, in whole or in part, the Environmental Financial Advisory Board meeting scheduled next Tuesday and Wednesday at the District Architecture Center, 421 7th Street, NW. I serve as the Designated Federal Official and will be chairing the meeting. Attached is the draft agenda to give you a sense of the proceedings. A final agenda will be available in the next day or so. I will get that to you when it's ready

Of course I realize that this meeting could conflict with some of your early activities associated with the arrival of our New Administrator, so I'll understand if you are unable to make it to the meeting!

Mike

Michael Shapiro  
Acting Assistant Administrator, Office of Water  
US EPA, 4101M  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202-564-5700  
bang

-----Original Message-----

From: Campbell, Ann  
Sent: Wednesday, February 15, 2017 2:10 PM  
To: Shapiro, Mike <Shapiro.Mike@epa.gov>  
Cc: Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>  
Subject: FOR FORWARDING: Environmental Financial Advisory Board Follow-up information

Mike, below is a message to send to Layne and Holly on the EFAB meeting next week.

# DRAFT AGENDA

## Environmental Financial Advisory Board

February 21-22, 2017 – Washington, D.C.





# Environmental Financial Advisory Board

February 21-22, 2017

District Architecture Center  
421 7<sup>th</sup> Street, NW – Washington, DC

## DRAFT AGENDA

### FEBRUARY 21, 2017

9:00 am – Noon

#### EFAB WORK GROUP MEETINGS

Noon – 1:30 pm

#### LUNCH

1:30 pm – 2:00 pm

#### INTRODUCTIONS & OPENING REMARKS

- Mike Shapiro, EFAB Designated Federal Official
- Karen Massey, EFAB Chairwoman
- Jim Gebhardt, Director, Water Infrastructure and Resiliency Finance Center

2:00 pm – 2:45 pm

#### EPA's WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (WIFIA) PROGRAM

- JorianneJernberg, Director
- Jordan Dorfman, Attorney Advisor

2:45 pm – 3:15 pm

#### DC WATER'S ENVIRONMENTAL IMPACT BOND

- Eric Letsinger, President, Quantified Ventures

3:15 pm – 3:30 pm

#### BREAK

3:30 pm – 4:00 pm

#### EFAB REPORT OUT: FINANCING DOMESTIC RECYCLING PROGRAMS

- Jeff Hughes, Co-chair
- Bill Cobb, Co-chair

4:00 pm

#### SUMMARY OF DAY ONE

- Mike Shapiro, EFAB Designated Federal Official
- Karen Massey, EFAB Chairwoman

6:00 pm

#### GROUP DINNER

District Chop House and Brewery  
509 7<sup>th</sup> Street, NW

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## FEBRUARY 22, 2017

9:00 am – 9:15 am

### OPENING REMARKS

- Mike Shapiro, EFAB Designated Federal Official
- Karen Massey, EFAB Chairwoman

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9:15 am – 10:00 am

### AFFORDABILITY AND NON-TRADITIONAL PROJECT FINANCING

- Andrew Sawyers, Director, Office of Wastewater Management

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10:00 am – 10:45 am

### ENVIRONMENTAL FINANCING CHALLENGES

- Heather Himmelberger, President, Environmental Finance Center Network

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10:45 am – 11:00 am

### BREAK

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11:00 am – 11:30 am

### NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL(NEJAC) / EFAB COLLABORATION: WATER INFRASTRUCTURE FINANCING IN VULNERABLE AND OVERBURDENED COMMUNITIES

- Jill Witkowski Heaps, NEJAC Work Group Chair

---

11:30 - Noon

### UPDATE ON THE WATER INFRASTRUCTURE AND RESILIENCY FINANCE CENTER'S (WIRFC) ACTIVITIES

- Jim Gebhardt, Director, WIRFC

---

Noon – 1:30 pm

### LUNCH

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1:30 pm – 2:00 pm

### EFAB REPORT OUT: FINANCING LEAD RISK REDUCTION

- Joanne Throwe, Co-chair
- Helen Akparanta, Co-chair

---

2:00 pm – 2:30 pm

### EFAB Report Out: PUBLIC-PRIVATE PARTNERSHIPS FOR WATER INFRASTRUCTURE PROJECTS

- Lisa Daniel, Co-chair
- Richard Weiss, Co-chair

---

2:30 pm – 2:45 pm

### BREAK

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2:45 pm – 3:30 pm

### EFAB REPORT OUT: FINANCING FAILING DECENTRALIZED WASTEWATER SYSTEMS

- Tom Liu, Co-chair
- Blanca Surgeon, Co-chair

---

3:30 pm – 3:45 pm

### PUBLIC COMMENT

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3:45 pm – 4:00 pm

### GENERAL DISCUSSION AND NEXT STEPS

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Mike Shapiro, EFAB Designated Federal Official

- Karen Massey, EFAB Chairwoman

**To:** Personal Email/Ex. 6 Jackson, Ryan[jackson.ryan@epa.gov];  
Flynn, Mike[Flynn.Mike@epa.gov]  
**Cc:** Bangerter, Layne[bangerter.layne@epa.gov]; Campbell, Ann[Campbell.Ann@epa.gov];  
Grevatt, Peter[Grevatt.Peter@epa.gov]; Best-Wong, Benita[Best-Wong.Benita@epa.gov]  
**From:** Shapiro, Mike  
**Sent:** Wed 3/1/2017 4:07:36 AM  
**Subject:** Follow Up on OW Program Briefing for the Administrator - State needs for corrosion control  
expertise and other support for state drinking water programs  
[Briefing Factsheet LCR State Needs revised fv PCG.docx](#)

Administrator,

During our Water Program briefing for you, we discussed the challenges of controlling lead in drinking water and he expressed an interest in learning more about the capabilities of states to oversee utility corrosion control programs, what EPA is doing to help, and what states' needs are for implementing the Lead and Copper Rule (LCR) and other aspects of the Safe Drinking Water Program. The attached fact sheet responds to these questions.

Mike

Michael Shapiro

Acting Assistant Administrator, Office of Water

US EPA, 4101M

1200 Pennsylvania Ave.,  
NWA  
d

Washington, DC 20460

202-564-5700



## **States LCR Resource Needs & Trainings**

### **February 2017**

**Summary:** Over the past year, EPA staff have worked with all state drinking water programs on SDWA implementation issues, with a focus on the Lead and Copper Rule. Nearly every state program has expressed concern about their level of resources and technical expertise to address critical drinking water issues such as corrosion control.

#### **Background:**

Throughout 2016, EPA actively engaged with state programs to identify challenges in the implementation of the Lead and Copper Rule (LCR). As part of these efforts, EPA sent letters on February 29, 2016, to state commissioners requesting information regarding implementation of LCR regulations in their state. All state commissioners responded. Challenges with LCR implementation that state commissioners most frequently raised with EPA included the following:

- Challenges in reviewing corrosion control studies and establishing required water quality parameters for corrosion control treatment for drinking water systems within their state,
- Challenges in determining the appropriate residential drinking water sampling sites for lead, including the location of lead service lines,
- The challenge of implementing drinking water regulations for over 100 contaminants with dwindling resources. Commissioners suggested that EPA provide adequate resources to state programs, strengthening the EPA and State co-regulatory partnership and increasing EPA's training and technical assistance to states. A report released in December 2013 by the Association of State Drinking Water Administrators (ASDWA) documents a yearly shortfall of at least \$230 million between the resources available in states (from all sources – both federal and state) and those needed by states to administer minimum required programs.

Overall, the primacy agencies highlighted action items that both EPA and the primacy agencies should consider to ensure sustainability of public water systems. These include:

- Ensuring adequate and sustained investment in state programs to ensure adequate oversight,
- Using information technology to enhance transparency and accountability,
- Leveraging funding to finance water infrastructure replacement and rehabilitation
- Creating a one stop technology and assistance center for all state drinking water programs.

EPA also worked directly with states to understand the causes of the 2,400 lead action level exceedances in the nation's drinking water systems, as well as follow-up actions taken after each exceedance. EPA's analysis demonstrated that many states and water systems had not taken the required follow-up actions, such as setting water quality parameters or installing corrosion control. State staff raised limitations in state expertise as one reason for actions not being taken. As a result of these discussions, EPA developed and conducted multiple face to face trainings for state staff on corrosion control.

#### **2016 LCR Training & Technical Assistance to State Drinking Water Programs:**

- EPA released the "Optimal Corrosion Control Evaluation Technical Recommendations for States and Public Water Systems." (April 2016). EPA hosted ten face-to-face regional training workshops, leveraging the most recent guidance, to discuss optimal corrosion control treatment (OCCT).
  - The workshops addressed technical considerations related to OCCT, including hands-on exercises

for making informed decisions about corrosion control treatment.

- The States provided the following suggestions for the development of future workshops:
  - updating materials evaluations and identification of tier 1 sampling sites
  - best practices in meeting public education requirements under the LCR
  - basic water chemistry to support establishing optimal CCT, and
  - best practices to improve residents' willingness and ability to collect LCR samples.
- The States also provided suggestions regarding future tools:
  - OCCT Online Templates with decision tree
  - User-friendly LCR Sampling Instructions for residents
  - List of successful residential participation strategies
  - Sampling for lead manual that describes the many types of samples for lead
  - Tools to support identification of lead service lines
  - Get-the-Lead-Out national campaign targeted to operators and homeowners

In addition, ASDWA provided the following suggestions on behalf of the states:

- Workshops on identification of Sampling Sites
- Public Education Workshops: Work with AWWA and ASDWA to provide tools to overcome obstacles systems face in fulfilling the public education-related requirements of the LCR
- Continue to offer in person trainings that focuses on compliance with the OCCT and WQP.

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Tue 3/28/2017 5:05:26 PM  
**Subject:** FW: NACO Meet & Greet

LB – We would not want to do this one without you,  
We can always do it the following week.

**Personal Matters/Ex. 6**

**From:** Hanson, Andrew  
**Sent:** Tuesday, March 28, 2017 1:04 PM  
**To:** Wilkes, Quianna <Wilkes.Quianna@epa.gov>  
**Subject:** RE: NACO Meet & Greet

Thanks Qui. Julie U at NACo is out between tomorrow and next Tuesday, and her boss Matt C. is out of town next Wednesday and Thursday, so Friday, April 7 is the first viable day. Please let me know when you know.

**From:** Wilkes, Quianna  
**Sent:** Tuesday, March 28, 2017 1:01 PM  
**To:** Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Subject:** RE: NACO Meet & Greet

*Hey Andy, I'm waiting to see if Layne will be out of town for*

**Personal Matters/Ex. 6**

**From:** Hanson, Andrew  
**Sent:** Tuesday, March 28, 2017 12:43 PM  
**To:** Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>; Wilkes, Quianna <Wilkes.Quianna@epa.gov>  
**Cc:** Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Subject:** FW: NACO Meet & Greet

Hi Qui and Latonia –

When you have a moment, would you kindly check **Layne's and Tate's calendars** for their availability on **Friday, April 7, any time before 3:00 p.m.** 30 minutes should do it.

This would be for a meeting to take place **at the National Association of Counties** with **Executive Director Matt Chase, Deputy Director Deborah Cox, and Associate Director Julie Ufner.** Their address is **660 North Capitol Street, NW, Suite 400, Washington, DC.**

Our EPA delegation would consist of **Layne Bangerter, Tate Bennett, Jack Bowles, and myself.** (Ken Wagner is invited, but I am told he will be traveling)

Thank you, and please let me know.

AH

**From:** Julie Ufner [<mailto:JUfner@naco.org>]  
**Sent:** Tuesday, March 28, 2017 10:28 AM  
**To:** Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>  
**Subject:** RE: NACO Meet & Greet

We could do next Friday anytime before 3. Matt is traveling for work next Wed and Thursday.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Hanson, Andrew" <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>

Date: 3/28/17 10:11 AM (GMT-05:00)

To: Julie Ufner <[JUfner@naco.org](mailto:JUfner@naco.org)>

Subject: RE: NACO Meet & Greet

Ok. (and good luck) We should probably look at next Wed or Fri. Could do Thurs, if no way around it. We'll talk.

**From:** Julie Ufner [<mailto:JUfner@naco.org>]

**Sent:** Tuesday, March 28, 2017 10:09 AM

**To:** Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>

**Subject:** RE: NACO Meet & Greet

At a hearing now-have someone testifying but can call afterwards.

I will be out of town tomorrow through next Tuesday (will be back next Wednesday).

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Hanson, Andrew" <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>

Date: 3/28/17 8:24 AM (GMT-05:00)

To: Julie Ufner <[JUfner@naco.org](mailto:JUfner@naco.org)>

Subject: FW: NACO Meet & Greet

Hey Jules –

Please see the note below and call me at your earliest convenience. Tate Bennet is supposed to be the new DAA for Congressional, and Ken Wagner's new title is related to State and Regional relations, but none of the staff here has met either of them, much less spoken with them.

If you could offer some scheduling windows for this week and/or next week (again, apologies for the late notice) and get back to me, that would be great. Our group would be comprised of Layne Bangerter, Tate, Ken, Jack and (perhaps) me, and I assume they'd want to meet with Matt, Deb and you. (or at least Matt and you) It sounds like we would be coming over there.

Call when you can.

AH

**From:** Bowles, Jack

**Sent:** Monday, March 27, 2017 3:48 PM

**To:** Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>

**Subject:** NACO Meet & Greet

Hi Andy –

We now have the assignment of scheduling meet & greets with our new politicals (Tate, Layne, Ken Wagner if available) and the top tier intergovs, which included NACo. Tate would like to do them later this week (because she knows that Ken is around) or next week if possible. Latonia has Tate's calendar, Quianna has Layne's. Would you set up this NACo one? Thank you.

Best,

## **Jack Bowles**

Director of State & Local Relations

U.S. Environmental Protection Agency

202-564-3657 (office) | Personal Phone/Ex. 6 (mobile)

**To:** Bangerter, Layne[bangerter.layne@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]  
**From:** Ericksen, Doug  
**Sent:** Fri 2/10/2017 10:21:19 PM  
**Subject:** FW: Walden letter on waste study?

Layne,

What do you think about this one? See the request from the MCs below.

ericksen

**From:** Grantham, Nancy  
**Sent:** Friday, February 10, 2017 4:58 PM  
**To:** Ericksen, Doug <ericksen.doug@epa.gov>  
**Subject:** RE: Walden letter on waste study?

We have some that we have done – like strategic acquisition – reducing our building foot print , etc ... the group is gathering them – we do plan to respond to the letter

We are planning to answer the letter – do you want to call him or hve us do. Thanks ng

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

Personal Phone/Ex. 6 (mobile)



**From:** Ericksen, Doug  
**Sent:** Friday, February 10, 2017 3:00 PM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Subject:** FW: Walden letter on waste study?

Do we have government waste studies?

ericksen

**From:** Kevin Bogardus [<mailto:kbogardus@eenews.net>]  
**Sent:** Friday, February 10, 2017 2:59 PM  
**To:** Ericksen, Doug <[ericksen.doug@epa.gov](mailto:ericksen.doug@epa.gov)>; Konkus, John <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>;  
Valentine, Julia <[Valentine.Julia@epa.gov](mailto:Valentine.Julia@epa.gov)>  
**Subject:** Walden letter on waste study?

Doug, John and Julia,

Hi, it's Kevin Bogardus with E&E News.

I'm working on a piece about Reps. Walden and Murphy sending letters to agencies, including EPA, asking if they have any government waste studies (please see <https://energycommerce.house.gov/sites/republicans.energycommerce.house.gov/files/documents/20170210EPA>)  
I have a question about this, which is:

■• Does EPA plan to respond to this letter?

Please get back to me as soon as possible. My deadline is 4 pm EST today but the sooner you get back to me, the more it helps my reporting. Thank you for your help.

**Kevin Bogardus**

E&E News reporter

[kbogardus@eenews.net](mailto:kbogardus@eenews.net)

202-446-0401 (p)

Personal Phone/Ex. 6 (c)

202-737-5299 (f)

Follow me [@KevinBogardus](#)

---

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EnergyWire, ClimateWire, E&E Daily, Greenwire, E&ENews PM, E&ETV

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Cheatham, Reggie[cheatham.reggie@epa.gov]; Clark, Becki[Clark.Becki@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; Simon, Nigel[Simon.Nigel@epa.gov]; Kling, David[Kling.Dave@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Indermark, Michele[Indermark.Michele@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Lee, Eugene[Lee.Eugene@epa.gov]; Woodyard, Josh[Woodyard.Joshua@epa.gov]  
**From:** Irizarry, Gilberto  
**Sent:** Mon 3/6/2017 9:43:04 PM  
**Subject:** EPA Emergency Response Report Distribution

Hi Layne:

On behalf of OLEM/OEM (i.e., Barry Breen, Nigel Simon, Reggie Cheatham, Becki Clark and myself) wanted to let you know that you are being added to the distribution list for two of our main HQ Emergency Operations Center (HQ EOC) products described below.

**EOC Daily Emergency Management Report** (Daily Report) - A HQ EOC product sent to the OLEM front office leadership, key personnel in the Administrator's Office, designated Regional emergency response program personnel, and other select Agency officials. The report includes EPA emergency operations activities, status of EPA national emergency response assets (e.g., ASPECT and PHILIS), and notable interagency (DHS, FEMA, DOI) inputs with a nexus to EPA to give the reader a broad perspective of emergency management activities on a national scale. This report is issued daily in the mornings excepting weekends and holidays and covers activities since the prior report.

**EOC Spot Reports** - A HQ EOC product which serves as a quick way to notify EPA senior leadership and emergency management personnel during the initial stages of an incident where EPA OSCs are responding. Updates to Spot Reports may be issued as EPA activities ramp-up and more information is known.

These reports are considered For Official Use Only (FOUO), and for situational awareness for those on the distribution list. Any further distribution should be done in consultation with the Acting Assistant Administrator of OLEM or the Director of the Office of Emergency Management in OLEM.

The **EPA HQ Emergency Operations Center (HQ EOC)** provides 24/7 monitoring, routine reporting, and incident specific reporting on EPA's emergency response activities.

The HQ EOC facility is currently undergoing a major technological upgrade and it is not currently fully operational. We look forward to providing you with a full tour of the EOC at your convenience once we are completely operational over the next several weeks.

Don't hesitate to let me/us know if there are any questions.

Thanks,

Gilberto "Tito" Irizarry, Director  
Preparedness & Response Operations Division (PROD)  
Office of Emergency Management (OEM)

U.S. Environmental Protection Agency

O: 202-564-7982

**Personal Phone/Ex. 6**

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** U.S. Environmental Protection Agency  
**Sent:** Tue 10/3/2017 9:57:37 PM  
**Subject:** EPA Hurricane Maria Update for Tuesday, October 3, 2017

**CONTACT:**  
Press ([press@epa.gov](mailto:press@epa.gov))

## **EPA Hurricane Maria Update for Tuesday, October 3, 2017**

### *EPA Administrator Scott Pruitt Visits Puerto Rico*

**WASHINGTON** (October 3, 2017)—U.S. Environmental Protection Agency Administrator Scott Pruitt joined President Donald Trump in Puerto Rico today, to meet with leaders and review the Agency's response efforts following Hurricane Maria. EPA continues to support the Federal Emergency Management Agency (FEMA) through its assistance to the governments of Puerto Rico and the U.S. Virgin Islands (USVI).

"Hurricanes Irma and Maria have left a devastating impact on Puerto Rico and the U.S. Virgin Islands," said EPA Administrator Scott Pruitt. "I am grateful for the opportunity to have joined President Trump in Puerto Rico today, and extend my sincere appreciation for the extraordinary efforts made by our federal, state and local partners. Every citizen deserves to have clean drinking water and live in a healthy community. EPA remains committed to doing our part to make this happen."

EPA is focused on environmental impacts and potential threats to human health as well as the safety of those in the affected areas. EPA is continuing to coordinate with local governments in Puerto Rico and the USVI to assess the conditions of drinking water, which includes sampling, analysis and lab support, and getting wastewater treatment systems up and running.

#### **Drinking Water and Wastewater Management**

- **USVI:**
  - EPA is working to get labs back on line so that environmental samples can be locally analyzed. In St. Croix, the EPA-certified water quality testing facility, Ocean Systems Lab, is online and operational.
- **Puerto Rico:**
  - EPA is working closely with the Puerto Rico government, including the Puerto Rico Aqueduct and Sewer Authority (PRASA), to prioritize which systems or parts of systems to address first and how best to proceed. PRASA provides drinking water to 96 percent of the people in Puerto Rico.
  - The EPA has water experts and emergency responders who are focused on assessing both drinking water and wastewater systems.
  - EPA assessments indicate that more than one-third of Puerto Rico's sewage treatment plants are non-operational. Wastewater treatment plants, pipes and pumps were either severely damaged during the recent hurricanes and flash floods, or are not functioning due to loss of power. As a result, raw sewage is being released into waterways in Puerto Rico, including some coastal waters, streams and rivers.

*EPA assessing a facility in the San Juan metropolitan area. October 3, 2017. Photo credit: U.S. EPA*

#### **Water Safety**

Water contaminated with livestock waste, human sewage, chemicals, and other contaminants can lead to illness when used for drinking, bathing, and other hygiene activities. According to the Centers for Disease Control and Prevention (CDC), people should not use the water from rivers, streams and coastal water to drink, bathe, wash, or to cook with unless first boiling this water for a minimum of one minute. If boiling the water is not possible, water may be disinfected with bleach. To learn more about making water safe in an emergency, go to CDC's [Making Water Safe in an Emergency](#) web page.

**Debris Management**

EPA is working on debris management with FEMA, the U.S. Army Corps of Engineers and the Puerto Rico and USVI governments and continues to develop options for the management of vegetative materials, hazardous waste, construction debris, wet debris, and household hazardous waste in Puerto Rico and the USVI.

**Personnel**

- About 169 personnel are currently involved in hurricane response efforts.
- About 27 personnel are on the ground in USVI to assist with response efforts.
- About 51 personnel are on the ground in Puerto Rico to assist with response efforts.

EPA also continues to re-assess Superfund sites, oil sites, and chemical facilities in both Puerto Rico and the USVI to determine if the sites were affected by Hurricane Maria and if there is a potential for contamination to cause off-site impacts.

EPA has important resources available online in English and Spanish about floodwaters, hazardous debris, household hazardous waste, and other hurricane impacts. EPA will continue to provide regular updates about EPA's response to Hurricane Maria. For information and updates, visit: [www.epa.gov/hurricane-maria](http://www.epa.gov/hurricane-maria).

###

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).  
Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460 United States

**To:** Richardson, RobinH[Richardson.RobinH@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Walsh, Ed[Walsh.Ed@epa.gov]  
**From:** Blizzard, James  
**Sent:** Thur 3/16/2017 3:32:52 PM  
**Subject:** FW: ECOS Press Release: President's Proposed EPA Budget Cuts Will Adversely Affect State EABs  
ECOS STATEMENT ON BUDGET BLUEPRINT .doc



ECOS

# PRESS RELEASE

**FOR IMMEDIATE RELEASE** – Thursday, March 16, 2017, 11:00 a.m. Eastern

Contact: Alexandra Dunn, (202) 230-4247 or [adunn@ecos.org](mailto:adunn@ecos.org)

Environmental Council of the States (ECOS)

## **President's Proposed EPA Budget Cuts Will Adversely Affect State EABs**

**Washington, DC** – The White House's dramatic cuts proposed this morning to the U.S. Environmental Protection Agency (EPA), if enacted, affect grants that support an average of 27 percent of state environmental agency budgets (EABs). While EPA's overall budget is reduced 31 percent, the proposed FY18 reduction of \$482M is a 44.5% cut to state Categorical Grants from the \$1.082B annualized FY17 level. The Superfund proposed FY18 reduction of \$330M is a 30% cut from the \$1.092B annualized FY17 level. The proposed FY18 reduction of \$233M is a 48% cut to the EPA Office of Research and Development from the \$483M annualized FY17 level.

Last night, ECOS released its [Green Report - Status of State Environmental Agency Budgets, FY2013-15](#), showing that average federal funding to state EABs already has experienced a decline. "Frankly, language in the President's budget blueprint that 'EPA would primarily support States and Tribes in their important role protecting air, land, and water in the 21st Century' is wholly inconsistent with the Categorical Grant cuts," says ECOS Executive Director & General Counsel Alexandra Dunn. "States need these federal funds to carry out their critical functions of advancing human health and protecting the environment, and to issue permits that keep local economies moving. States operate 96 percent of federally delegated and authorized environmental programs and manage funds to implement environmental regulations and are an important link to the local regulated community and local governments."

"We appreciate that the important state revolving loan funds are proposed for a less than one percent increase, and not a decrease," said ECOS President John Linc Stine, Commissioner of the Minnesota Pollution Control Agency. "However, the cuts to the core state programmatic grants are untenable. States welcome renewed confidence in our work and ability to protect human health and the environment. However, as ECOS' report shows, the federal government supports this function at an average of 27 percent. A cut of nearly 45 percent – while state legislatures are in session – is frankly unworkable."

ECOS' March 15 report analyzed budget information from 46 state environmental agencies, the District of Columbia, and Puerto Rico, finding state EABs increased 7% over three years, with the average state EAB being \$203M over three years. The report looks at three primary funding sources – state EAB general fund support, federal government funding, and fees and other funding. The findings over three years are that: state EAB general fund support increased by \$335M (35%); federal government funding support to state EABs decreased by \$64M (3%); and fee and other fund support – the largest major funding source for state EABs – grew by \$403M (10%).

\* \* \* \*

*ECOS is the national nonprofit, nonpartisan association of state and territorial environmental commissioners. For more information, visit [www.ecos.org](http://www.ecos.org).*



**From:** Hannon, Arnita  
**Location:** HQ-Room-WJCN-4530-50pp  
**Importance:** Normal  
**Subject:** Meeting with Ft. Wayne, IN: Water Quality Revisions; Enforcement of CSO LTCPs; Variance  
**Start Date/Time:** Mon 10/2/2017 7:30:00 PM  
**End Date/Time:** Mon 10/2/2017 8:00:00 PM  
UAA Briefing Memo jmb 09-28-2017.corrected.pdf  
09-28-2017 UAA - CD Presentation.pdf

**Personal Phone/Ex. 6**

**Note Update:** Attached **CORRECTED** Briefing Memo from City of Ft. Wayne. Also adding Powerpoint for today's meeting. Thanks all!

**Personal Phone/Ex. 6**

**Meeting:** **Fort Wayne, IN Local Officials:** Justin Brugger, Chief Financial Officer, City Utilities; Matthew Wirtz, Deputy Director/Chief Engineer, Fort Wayne City Utilities; Larry J. Kane, Partner, Bingham Greenebaum Doll, LLP. Accompanying: Roger Gwinn, CEO; Bill Ferguson, Chairman Emeritus; Zach Israel, Senior and Manager of Legislative Affairs, The Ferguson Group (Ferguson Group Contact – copied above)

**Purpose:** Concerns with past EPA policies governing how water quality revisions made on the basis of use attainability analyses (UAA) are integrated with enforcement of combined sewer overflow (CSO) long-term control plans (LTCPs). The City requests a meeting with EPA to discuss the City's ongoing interest in the use of the UAA as the basis for seeking a variance to the City's CSO LTCP.

Lead Offices: OW (Water Permits Division; OGWDW; OST); OECA (Water Enforcement Division); Region V; OIR

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Shapiro, Mike  
**Sent:** Fri 3/3/2017 3:03:52 AM  
**Subject:** RE: Peabody

Layne,

I've heard conflicting versions of an initial conversation between the company and region 5 staff, so I'm a little unsure what to make of it. It's pretty clear that the company would prefer to deal directly with HQ on the matter. Normally the region would be the lead for this kind of negotiation, although we are willing to have OW staff participate as well in Chicago. I think it would be good if you could urge them to have at least an initial meeting in Chicago, to see if progress can be made. However I also realize that they may want to escalate the venue issue further. Do you want us to run the question by any of the other folks on the Administrator's team?

Mike

Michael Shapiro  
Acting Assistant Administrator, Office of Water  
US EPA, 4101M  
1200 Pennsylvania Ave., NW  
Washington, DC 20460  
202-564-5700

-----Original Message-----

From: Bangerter, Layne  
Sent: Thursday, March 02, 2017 7:02 PM  
To: Shapiro, Mike <Shapiro.Mike@epa.gov>  
Subject: Peabody

I just heard from Ray Shepherd at Peabody. They are not happy with the meeting propose for Chicago and would like to get it moved to DC. Just passing this along but wondered about your thoughts on that? They do not feel they've had a proper ear until they came here. Please advise...

Sent from my iPhone

**From:** Hannon, Arnita  
**Location:** Maerriott Wardman Park Hotel - Marriott Ballroom  
**Importance:** Normal  
**Subject:** NLC CCC - Closing Luncheon Plenary - Features Administrator  
**Start Date/Time:** Tue 3/14/2017 4:30:00 PM  
**End Date/Time:** Tue 3/14/2017 6:15:00 PM

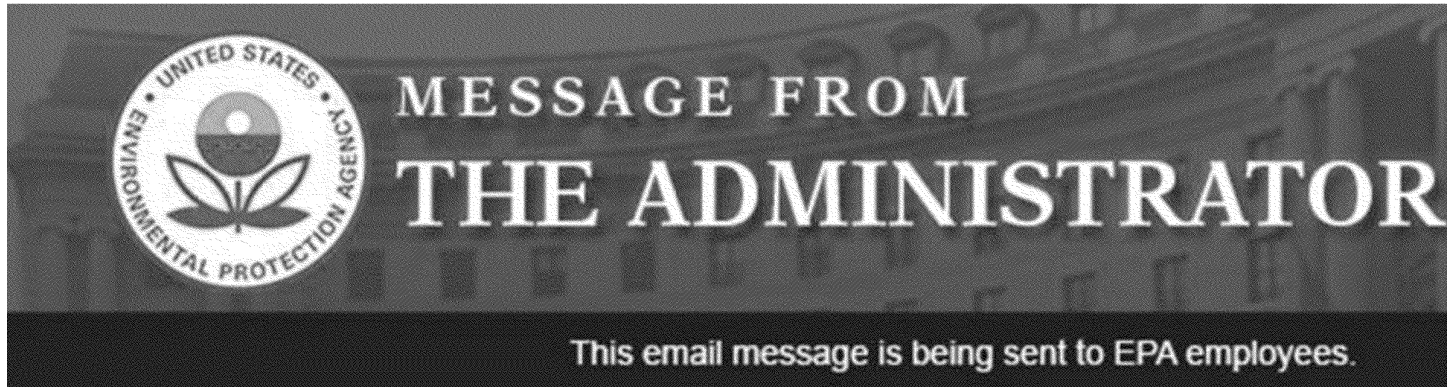
Event: NLC Congressional City Conference Closing Luncheon Plenary (Marriott Ballroom)

Re: Administrator Addresses: 12:50 pm – 1:05 pm

**Run of Show:**

- NLC President Councilman Matt Zone (Cleveland, OH) Introduces Administrator Pruitt
- Administrator Delivers Brief Remarks (“EPA’s Priorities Under the Trump Administration)
- Councilman Zone Thanks Administrator
- Administrator Leaves Stage and Departs Hotel

**To:** Mass Mailer[Mass\_Mailer@epa.gov]  
**From:** MassMailer  
**Sent:** Thur 3/9/2017 2:44:01 PM  
**Subject:** Senior Staff Announcement



I am pleased to announce Ryan Jackson as the Agency's new Chief of Staff. From Jan. 2011–Feb. 2017, Ryan was Chief of Staff to U.S. Senator James Inhofe, former chairman and senior member of the U.S. Senate Environment and Public Works (EPW) Committee. Ryan worked closely with the senator in other EPW capacities as well, serving as counsel and then chief counsel.

In his role as the EPW staff director during the previous Congress, Ryan worked closely with EPA on a number of legislative initiatives, including the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act, state permitting for coal ash regulation and disposal, and Brownfields reauthorization.

Previously, Ryan was an assistant district attorney in Oklahoma's 14<sup>th</sup> Judicial District, which covers Tulsa and Pawnee counties. A native of Oklahoma City, Ryan received his B.A. in public administration and political science from the University of Oklahoma and his law degree from Oklahoma City University.

Please join me in welcoming Ryan to EPA.

Scott Pruitt

Administrator

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Shapiro, Mike  
**Sent:** Thur 2/16/2017 3:41:40 AM  
**Subject:** CA Flow WQS litigation next steps -- URGENT  
Cal TUCP Response to Order on MTD.docx

Layne,

I'm attaching a background paper on a water-related litigation issue that is being

**Deliberative Process Privilege/Attorney-Client/AWP/Ex. 5**

**Deliberative Process Privilege/Attorney-Client/AWP/Ex. 5**

Please let me know if you have any questions or would like additional information.

Mike

Michael Shapiro



Acting Assistant Administrator, Office of Water

US EPA, 4101M

1200 Pennsylvania Ave., NW

Washington, DC 20460

202-564-5700

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Skip Brandt  
**Sent:** Sat 3/25/2017 6:37:07 PM  
**Subject:** RE: Thank You For Your Interest in Serving - You Need to Apply Online

Thank you!

Cheers,

Skip Brandt

**Personal Matters/Ex. 6**

-----Original Message-----

From: Bangerter, Layne [mailto:bangerter.layne@epa.gov]  
Sent: Saturday, March 25, 2017 10:24 AM  
To: Skip Brandt <**Personal Email/Ex. 6**>  
Subject: Re: Thank You For Your Interest in Serving - You Need to Apply Online

I put Don's Benton on it I don't know I'll keep trying

Sent from my iPhone

> On Mar 25, 2017, at 10:05 AM, Skip Brandt <skip@skipbrandt.us> wrote:

>

> Layne,

> I received the below email yesterday. However, When I fill it all out

> and hit submit I am sent to a page that says "Page not found"!

>

> Can you tell me where to inquire about what to do?

>

> Cheers,

>

> Skip Brandt

>

> **Personal Matters/Ex. 6**

>

>

>

>

>

> -----Original Message-----

> From: Do Not Reply **Ex. 5 - Deliberative Process**

> Sent: Friday, March 24, 2017 10:54 AM

> To: **Personal Email/Ex. 6**

> Subject: Thank You For Your Interest in Serving - You Need to Apply Online

>

> Dear Rocky Skipper Brandt,

>

> Thank you for expressing an interest in serving in President Trump's

> Administration, you are receiving this email because you were referred  
> by someone. In order to ensure you receive due consideration, it would  
> be helpful to have your contact and background information electronically.  
> Please complete the online Presidential Personnel application at  
> <https://apply.whitehouse.gov>.  
>  
> Thank you again for apprising us of your desire to serve the public  
> interest as part of the Trump Administration.  
>  
> Sincerely,  
> The Office of Presidential Personnel  
>

**To:** Kaiser, Sven-Erik[Kaiser.Sven-Erik@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]  
**Cc:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Richardson, RobinH  
**Sent:** Tue 3/14/2017 10:43:35 PM  
**Subject:** Fwd: NANCY: puget sound wastewater

Hi Sven & Jack - Working to learn more but wanted you to know. Stay tuned. If you have any thoughts/suggestions please share. Thank you! Robin

Robin H Richardson  
PDAA, EPA/OCIR  
(202) 564-3358 (desk)  
Personal Phone/Ex. 6 (cell)  
[richardson.robinh@epa.gov](mailto:richardson.robinh@epa.gov)

Begin forwarded message:

**From:** "Grantham, Nancy" <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>  
**Date:** March 14, 2017 at 6:39:25 PM EDT  
**To:** "Holsman, Marianne" <[Holsman.Marianne@epa.gov](mailto:Holsman.Marianne@epa.gov)>, "Valentine, Julia" <[Valentine.Julia@epa.gov](mailto:Valentine.Julia@epa.gov)>, "Hull, George" <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>  
**Cc:** "Philip, Jeff" <[Philip.Jeff@epa.gov](mailto:Philip.Jeff@epa.gov)>, "Richardson, RobinH" <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>  
**Subject:** RE: NANCY: puget sound wastewater

Just talked with region 10 . Deliberative Process Privilege/Ex. 5

Thanks ng

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

Personal Phone/Ex. 6 **(mobile)**

**From:** Holsman, Marianne  
**Sent:** Tuesday, March 14, 2017 6:14 PM  
**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Valentine, Julia <[Valentine.Julia@epa.gov](mailto:Valentine.Julia@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>  
**Cc:** Philip, Jeff <[Philip.Jeff@epa.gov](mailto:Philip.Jeff@epa.gov)>  
**Subject:** RE: NANCY: puget sound wastewater

Thanks all. We'll figure out how to handle. It appears the council member wanted Administrator Pruitt, or "the Administration" to know of the concerns re: infrastructure failure...

## Deliberative Process Privilege/Ex. 5

Marianne

Follow us!



**From:** Grantham, Nancy  
**Sent:** Tuesday, March 14, 2017 3:07 PM  
**To:** Valentine, Julia <[Valentine.Julia@epa.gov](mailto:Valentine.Julia@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>  
**Cc:** Holsman, Marianne <[Holsman.Marianne@epa.gov](mailto:Holsman.Marianne@epa.gov)>; Philip, Jeff <[Philip.Jeff@epa.gov](mailto:Philip.Jeff@epa.gov)>  
**Subject:** RE: NANCY: puget sound wastewater

Looping in region 10

**Nancy Grantham**

**Office of Public Affairs**

**US Environmental Protection Agency**

**202-564-6879 (desk)**

**Personal Phone/Ex. 6 (mobile)**

**From:** Valentine, Julia

**Sent:** Tuesday, March 14, 2017 6:06 PM

**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>

**Subject:** NANCY: puget sound wastewater

Nancy is this something you are handling?

Julia P. Valentine

Office of Media Relations

202.564.2663

Sent from USEPA iPhone

Begin forwarded message:

**Resent-From:** <[Press@epa.gov](mailto:Press@epa.gov)>

**From:** "Shurtleff, David" <[David.Shurtleff@kingcounty.gov](mailto:David.Shurtleff@kingcounty.gov)>

**Date:** March 14, 2017 at 6:04:20 PM EDT

**To:** Press <[Press@epa.gov](mailto:Press@epa.gov)>

**Subject:** FW: Attn: Lynn

This is urgent. National press finally picking up on this disaster.

**From:** Shurtleff, David

**Sent:** Tuesday, March 14, 2017 3:03 PM

**To:** '[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)' <[lynn.tricia@epa.gov](mailto:lynn.tricia@epa.gov)>

**Subject:** Attn: Lynn  
**Importance:** High

Hi Lynn, please see below. Ideally the administration would be aware of this disaster happening. Complete failure of infrastructure resulting in Katrina-scale damage to wastewater plant. 300 million gallons of raw sewage continuing to spew into Seattle's Puget Sound. Please call if you can—I know infrastructure improvement is a top priority and this is a prime and tragic example.

David

**David Shurtleff**  
Director of Communications

Metropolitan King County Council

516 3<sup>rd</sup> Ave | Seattle | WA | 98104  
O: 206-477-2181

#### BACKGROUND:

**300 MILLION GALLONS of raw sewage** has been dumped into Seattle's iconic Puget Sound. It's being called the “**biggest environmental disaster America has never heard of**” and it's occurring on the western shore of one of the most environmentally progressive cities in the nation.

For context, this ongoing disaster is already twice as large at the Southern California spill earlier this year, which was previously the largest raw sewage spill in recent US history. The Seattle Times reports this is **Hurricane Katrina scale damage** to a system.

The King County Council (the regional government for 2.1 million people in and around Seattle) voted yesterday to authorize a wide-ranging, fully independent investigation of the potential human and mechanical failures that led to this enduring crisis.

**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov];  
RCL's[CNRCLs@Intergov.\_Contacts@epa.gov]  
**From:** Klasen, Matthew  
**Sent:** Fri 3/17/2017 3:45:40 PM  
**Subject:** FYI only -- Summaries of recent Congressional water/wastewater infrastructure hearings  
[2017-03-09 T&I Infrastructure Hearing summary.docx](#)  
[2017-03-16 HEC DW Infra Hearing Summary.docx](#)

OCIR colleagues and RCLs,

As I've mentioned on recent HQ and Regional calls, two Congressional committees have held hearings in recent days on drinking water and wastewater infrastructure -- last week (March 9, House Transportation & Infrastructure) on wastewater infrastructure, and this week (March 16, House Energy & Commerce) on drinking water infrastructure.

No EPA witnesses were present at either hearing, but the content of the hearings did significantly overlap with EPA programs, particularly the drinking water and clean water SRFs, with limited discussion of brownfields (T&I hearing only).

For the Regional folks, witnesses at last week's hearing hailed from DC, PA, MN, CA, NY, and LA, and witnesses this week hailed from MN, IL, MD, CA, and DC.

Please see attached for summaries of these two recent hearings, and please let me know if you have any questions.

Best,  
Matt

---

Matt Klasen  
U.S Environmental Protection Agency  
Office of Congressional Affairs  
WJC North 3443P  
202-566-0780  
cell ( Personal Phone/Ex. 6 )



**House Committee on Transportation and Infrastructure**  
**Subcommittee on Water Resources and Environment**  
**Hearing on “Building a 21st Century Infrastructure for America: The Role of Federal Agencies in Water Infrastructure”**  
**March 9, 2017**

**Hearing Summary**

**Hearing Purpose:** To “review solutions and opportunities to

1. reduce inefficiencies and delays in project delivery,
2. include affordability considerations in the rulemaking process,
3. enhance state and local roles, and public participation,
4. use better data and better technology,
5. maximize benefits from existing resources, and
6. provide certainty for non-federal interests.”

[Committee Hearing Page](#)

**Witnesses:**

- Jerry Ellig, Senior Research Fellow, Mercatus Center at George Mason University
- Kathy L. Pape, Senior Vice President, American Waterworks Company (On Behalf of The Bipartisan Policy Center)
- John Linc Stine, Commissioner, Minnesota Pollution Control Agency, (On Behalf of the Environmental Council of the States)
- Mike Inamine, Executive Director, Sutter Butte Flood Control Agency, California
- Gary McCarthy, Mayor, City of Schenectady, New York, (On Behalf of The U.S. Conference of Mayors)
- Jonathan Kernion, President, Cycle Construction Company, Kenner, Louisiana, (On Behalf of the Associated General Contractors)
- Kevin DeGood, Director of Infrastructure Policy, Center for American Progress

**Members Attending:**

Majority: Graves (LA, chairman), Shuster (PA, full committee chairman), Gibbs (OH), Smucker (PA), Davis (IL), Katko (NY), Mast (FL)

Minority: Napolitano (CA, ranking member), DeFazio (OR, full committee ranking member), Bustos (IL), Lawrence (MI), Esty (CT), Lowenthal (CA), Garamendi (CA)

**Majority Themes**

- Infrastructure is a priority of everyone, so we need to figure out how to identify opportunities and remove impediments, like burdensome regulations and stovepiped federal agencies, that prevent infrastructure dollars from going further. Need to promote collaboration rather than regulation and enforcement.
- Corps of Engineers is holding up coastal restoration and navigation projects, and needs to move faster.
- At least some of the President’s \$1 trillion infrastructure plan needs to come from the federal government, but much can come from other sources (e.g., public-private partnerships, state and local funding)
- Need to support efforts, like H.R. 465 (Gibbs legislation), to promote affordability and integrated planning.

**Minority Themes**

- Hope to find consensus on infrastructure issues and renew the federal commitment. President’s support for infrastructure and SRFs is helpful, but overall plan is inconsistent given planned cuts for EPA (30%) and consequential impacts on state programs. Federal government can help catalyze spending by others.
- Need to address the critical challenges of affordability without reducing clean water protections.
- Private infrastructure funding approaches may be helpful in some cases, but not for most communities.

- Need to find the “sweet spot” of regulations (between burdensome and laxity). It’s lack of funding, not burdensome regulations, that have led to our problems.
- Strong support for EPA brownfields programs that revitalize formerly vital parcels in our communities.

### **Key Points from Opening Statements and Testimony**

#### Jerry Ellig (Mercatus)

- Federal agencies tend to focus on intentions, activities, and outputs rather than on regulatory outcomes. Regulations themselves become the performance measure.
- Congress needs to be clearer about the regulatory outcomes they seek, then need to do retrospective analyses to evaluate what actually happened. Agencies’ current regulatory analyses are poor and biased.
- Agencies frequently adopt a “ready-fire-aim” approach toward regulation: they decide the outcome, then do research to support that outcome.

#### Gary McCarthy (Schenectady, NY, USCM)

- Schenectady is burdened with high CSO and SSO mitigation costs, requiring the city to take on significant debt amidst a decline in population. A consent decree with the State of New York limits the city’s ability to make new wastewater connections, severely constraining growth.
- Recommends continuing to fund SRFs, Community Development Block Grants, and WIFIA.
- Congress can help via integrated planning/affordability legislation (H.R. 465 (Gibbs)), fully fund and tweak brownfields law, and encourage and fund new technology.

#### John Linc Stine (MN commissioner, ECOS)

- A reliable water supply and associated federal investments are critical, and is an ECOS transition priority.
- ECOS has identified 20 shovel-ready water or wastewater infrastructure projects per state (\$18.2b total).
- STAG funding from EPA is critical to those investments. SRFs ensure continued return on investments, but the dollars appropriated for them are overshadowed by the critical drinking water and wastewater needs
- Communities, especially distressed, small, and rural communities, are severely challenged to meet federal requirements such as nitrate and corrosion control. Need to specifically invest in these communities.
- The foremost priority when making infrastructure investments should be on protecting public health.

#### Mike Inamine (CA flood control)

- His agency provides flood control directly downstream of the Oroville Dam.
- Working with the Corps of Engineers is extremely challenging and projects take decades. He appreciates the Corps’ “3x3x3” pilot efforts to accelerate project planning, but it still takes too long to build or repair critical infrastructure. Need more opportunities for non-federal entities to build projects.

#### Jonathan Kernion (general contractors)

- Permits and regulations, like CWA Section 404, can hold up projects that can save lives.
- Too many agencies and federal requirements are involved in the pre-construction process. Agencies need to, but frequently don’t, make a decision one way or another.
- Congress needs to allow more project flexibilities, fund water resource projects in a stable manner (separate from federal budget whims), and ensure agencies are working together (e.g., Corps and EPA re: SRFs).

#### Kathy Pape (PA, private water, Bipartisan Policy Center)

- Represents America’s largest private water/wastewater utility company, providing water services to 15 million people in 47 states.
- Private water options can enable communities to significantly lower property taxes, get out of debt, and improve water delivery.
- Need to stop giving money only to systems in greatest noncompliance (“sick systems”) who will not invest

the funds wisely.

- Recommendations: a) invest wisely by putting money toward sustainable and compliant water systems; b) break down regulatory barriers and treat public and private water systems the same; c) modify CWSRF to make private entities eligible for funding.

Kevin DeGood (Center for American Progress)

- Federal funding is critical; can't simply use innovative approaches like public-private partnerships. The limiting factor is federal/state/local funding, not the lack of private investments.
- Climate change highlights the fragility of our infrastructure and will pose a growing challenge.
- Need to promote American infrastructure (Buy America) and promote green infrastructure.
- Congress should target funding toward communities with the greatest need to avoid a two-tiered system in which richer communities have health protections and poorer communities do not.

**House Committee on Energy and Commerce, Subcommittee on Environment**  
**Hearing on “Reinvestment and Rehabilitation of Our Nation’s Safe Drinking Water Delivery Systems”**  
**March 16, 2017**

**Hearing Summary**

**Hearing Purpose:** To “look broadly at our nation’s drinking water infrastructure and examine questions about what is necessary for the Federal government to do in the way of reinvestment and rehabilitation of these systems to meet future needs.” [Committee Hearing Page](#)

**Witnesses:**

- Randy Ellingboe, Minnesota Department of Health, on behalf of the Association of State Drinking Water Administrators (ASDWA)
- John Donahue, CEO of the North Park Public Water District in Machesney Park, IL, on behalf of the American Water Works Association (AWWA)
- Rudolph S. Chow, P.E., Director, Baltimore Department of Public Works, on behalf of the American Municipal Water Association (AMWA)
- Martin A. Kropelnicki, President and CEO, California Water Service Group, on behalf of the National Association of Water Companies (NAWC)
- Greg DiLoreto, Chairman, Committee for America’s Infrastructure, American Society of Civil Engineers (ASCE)
- Erik Olson, Director, Health & Environment Program, Natural Resources Defense Council (NRDC)

**Members Attending:**

Majority: Shimkus (IL, chairman), Blackburn (TN), Olson (TX), McKinley (WV), Wahlberg (MI), Flores (TX), Carter (GA)

Minority: Tonko (NY, ranking member), McNerney (CA), Peters (CA), Ruiz (CA), Gene Green (TX), Dingell (MI), DeGette (CO)

**Majority Themes:**

- We have impressive drinking water systems, but we have critical infrastructure challenges we need to address.
- Current DWSRF and WIFIA programs are solid starts, along with WIIN provisions on lead pipe replacement and disadvantaged communities. But we also need to reauthorize DWSRF funding, promote other smart investment approaches, and ensure DWSRF and WIFIA complement each other.
- We should increase federal funding, but should maintain local fees as the primary funding source.
- President’s budget announced today takes an important step by increasing drinking water SRF funding.
- Other challenges we need to address include
  - Encouraging system consolidation to promote efficiencies and compliance
  - Balancing priorities when some systems are growing and others are stable or shrinking in size
  - Ensuring rural communities receive their fair share of infrastructure funding and technical assistance
  - Encouraging (or even requiring) water systems to adopt asset management and integrated planning

**Minority Themes:**

- Our drinking water infrastructure is in terrible shape and infrastructure needs continue to grow.
- Flint is an example of what goes wrong when our drinking water systems fail. The President’s budget announced today includes “dangerous” numbers for EPA and for drinking water.
- We need to enhance federal infrastructure investments and prioritize the following:
  - Ensure drinking water infrastructure is part of any infrastructure package that comes together
  - Ensure the core focus of our investments helps protect public health, as public health is not being fully protected now (e.g., limited enforcement, prevalence of lead service lines)

- Provide federal assistance and technical assistance to small, disadvantaged, and rural communities in particular, plus assistance for low-income ratepayers facing rate increases and improved communication to customers about drinking water quality
- Reauthorize and amend the Safe Drinking Water Act (e.g., two Tonko bills, DeGette's *FRAC Act*, Peters' *Secure and Resilient Water Systems Act*)

## **Key Points from Opening Statements and Testimony**

### Randy Ellingboe (MN, ASDWA)

- Need to focus on strengthening or enhancing three critical aspects of the Safe Drinking Water Act
  - Public Water System Supervision (PWSS) program: Must maintain and enhance this EPA-state partnership. States' work is complicated by additional drinking water standards and lower federal funding contributions.
  - DWSRF Loans: States have been extremely successful, but critical needs continue. Would like to double the DWSRF to \$1.8 billion and should ensure it doesn't compete with WIFIA.
  - DWSRF set-asides: These provide critical funding for states' core public health protection programs
- Also must ensure science-based drinking water regulation and encourage system security and resiliency.

### John Donahue (IL, AWWA)

- Optimistic that WIFIA, once it gets off the ground, will be a valuable tool that expands on existing programs.
- SRF programs are successful, but could be more efficient if more streamlined.
- Need to keep municipal bonds tax-exempt to enable continued investment, and remove state caps on private activity bonds.
- Would like DWSRF reauthorized, with a few targeted changes, and likes Rep. Gibbs's integrated planning bill but would like drinking water more directly included.
- Also need to address cybersecurity, source water protection, energy-water nexus, and sound science

### Rudolph S. Chow (Baltimore, AMWA)

- Communities face hard choices in balancing infrastructure investments against other priorities.
- New WIIN provisions will be helpful in replacing lead service lines and helping with affordability issues.
- Would like to ensure that SRF funding is doubled (to \$1.8b), that WIFIA complements existing SRF programs, that municipal bonds remain tax-exempt, and that Congress explores ways to help low-income ratepayers.
- Should encourage sound water utility asset management and water system partnerships via SRFs.
- Baltimore was one of the first communities to do an integrated plan, and they support this approach.

### Greg DiLoreto (OR, ASCE)

- ASCE's most recent report gave drinking water infrastructure a "D" grade. More investments are critically needed to prevent water main breaks, drinking water system leaks, and other ongoing failures.
- Cities have severe constraints in their ability to raise rates in order to fund infrastructure.
- Recommendations: Reinvigorate DWSRF (permanent reauthorization) and triple its funding, fully fund WIFIA, preserve municipal bond tax exemption, create a water trust fund, eliminate state cap on private activity bonds, encourage regional approaches, promote green infrastructure and conservation, and improve utility management.

### Martin A. Kropelnicki (CA, NAWC)

- Private water companies like his play a critical role in addressing water infrastructure challenges
- Need to ensure that water systems demonstrate sound management and appropriate planning before receiving funds. Failing systems should need to develop a compliance plan that could include partnerships, consolidation, or other options.
- The private sector should have equal access to water funding. States should remove caps on private utility


bonds, and private water companies should be granted “safe harbor” status to reduce their financial risk when they take over systems in chronic noncompliance in order to return them to health.

Erik Olson (NRDC)

- We take drinking water for granted, but our systems are at risk of collapse, and millions of Americans face health threats from drinking water every year (illness, high lead levels, etc.)
- Significant issues with distrust and environmental justice in Flint and East Chicago.
- Recommendations: EPA needs to revise the lead and copper rule, finalize “stalled” drinking water standards, and enhance enforcement. Proposed EPA budget today would be a “bloodbath” for EPA programs.
- Need to recognize that infrastructure spending creates jobs, and that preventing crises is much cheaper than taking action only once one occurs.

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Richardson, RobinH  
**Sent:** Thur 2/23/2017 8:24:41 PM  
**Subject:** Re: Time tomorrow?

Hi! 10:30 is perfect. Thank you! Want to come over to the conference room? Best, Robin

Robin H Richardson  
PDAA, EPA/OCIR  
(202) 564-3358 (desk)  
 Personal Phone/Ex. 6 (cell)  
richardson.robinh@epa.gov

> On Feb 23, 2017, at 2:10 PM, Bangerter, Layne <bangerter.layne@epa.gov> wrote:

>

> Yes, how about 10:30AM? Was unaware of the 1PM, so will put it down and the others...

>

> -----Original Message-----

> From: Richardson, RobinH

> Sent: Thursday, February 23, 2017 2:06 PM

> To: Bangerter, Layne <bangerter.layne@epa.gov>

> Subject: Time tomorrow?

>


> Hi Layne - Are you in tomorrow? If so, would you have time in the morning to go through correspondence and some other updates? Also, so you're aware, we're scheduled to meet with the Administrator tomorrow at 1pm to prepare him for the Governors' meetings starting tomorrow at 2pm and Sunday. Let me know what works. Thank you! Robin

>

> Robin H Richardson

> PDAA, EPA/OCIR

> (202) 564-3358 (desk)

>  Personal Phone/Ex. 6 (cell)

> richardson.robinh@epa.gov

**From:** Scales, Wuanisha  
**Location:** DCRoomARN3428/OCIR  
**Importance:** Normal  
**Subject:** Standing Managers Mtg  
**Start Date/Time:** Thur 3/9/2017 7:00:00 PM  
**End Date/Time:** Thur 3/9/2017 7:30:00 PM

Call In Number:

Conference Ext. **Personal Phone/Ex. 6**

Participant Code



**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Stegner, Peter (Crapo)[Peter\_Stegner@crapo.senate.gov]  
**From:** Tanner, John (Hatch)  
**Sent:** Thur 2/16/2017 3:26:55 AM  
**Subject:** Re: Introduction

Thanks Peter. Layne, I look forward to working with you. I'll give you a call this week to talk about some of the work Hatch is doing on EPA related issues.

Sent from my iPhone

On Feb 9, 2017, at 1:45 PM, Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)> wrote:

Thank you Peter and John. Look forward to working with you and I feel a close kinship to Senator Hatch. John the best way to reach me is via cell Personal Phone/Ex. 6

Thank you again Peter!

Layne

Sent from my iPhone

On Feb 9, 2017, at 1:04 PM, Stegner, Peter (Crapo) <[Peter\\_Stegner@crapo.senate.gov](mailto:Peter_Stegner@crapo.senate.gov)> wrote:

Hi John and Layne,

I wanted to connect you two. Layne, John is Hatch's LD, a good friend of the office and fellow Westerner. John, Layne was a longtime Crapo advisor and is now with the White House working on EPA policy.

Thanks,

Peter



**To:** Bangerter, Layne[bangerter.layne@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Cook-Shyovitz, Becky[Cook-Shyovitz.Becky@epa.gov]; Cheatham-Strickland, Latonia[Cheatham-Strickland.Latonia@epa.gov]; Bailey, KevinJ[Bailey.KevinJ@epa.gov]; Barbery, Andrea[Barbery.Andrea@epa.gov]; Mims, Kathy[Mims.Kathy@epa.gov]; Eades, Cassandra[Eades.Cassandra@epa.gov]  
**From:** Bowles, Jack  
**Sent:** Tue 3/14/2017 10:01:33 PM  
**Subject:** Letter on

So Catching up on Inside EPA and found this letter to the Administrator dated March 7, from 17 State Attorneys General and 2 Governors.

If not yet assigned, I would give it to OP with OGC concurrence and cc: to OAR, OW and R6 because of the extensive discussion on Texas Haze.

[https://insideepa.com/sites/insideepa.com/files/documents/mar2017/epa2017\\_0462.pdf](https://insideepa.com/sites/insideepa.com/files/documents/mar2017/epa2017_0462.pdf)

**Re:** Request to reexamine delegation of certain environmental regulation authority to the States in accordance with the express terms of the Clean Air and Water Acts; from State of Texas, from State of Alabama, from State of Arizona, from State of Arkansas, from State of Georgia, from State of Indiana, from State of Illinois, from State of Kansas, from State of Kentucky, from State of Louisiana, from State of Maine, from State of Mississippi, from State of Missouri, from State of Montana, from State of Nebraska, from State of Nevada, from State of North Dakota, from State of Oklahoma, from State of South Carolina, from State of South Dakota, from State of Tennessee, from State of Texas, from State of Virginia, from State of West Virginia, from State of Wyoming

---

**Jack Bowles**

Director of State & Local Relations

U.S. Environmental Protection Agency

202-564-3657 (office) | Personal Phone/Ex. 6 (mobile)

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Wilkes, Quianna  
**Sent:** Tue 3/28/2017 4:58:06 PM  
**Subject:** FW: NACO Meet & Greet

*I just want to make sure I'm correct.....you will be out of town for 7<sup>th</sup> correct? See message below?*

**Personal Matters/Ex. 6**

**From:** Hanson, Andrew  
**Sent:** Tuesday, March 28, 2017 12:43 PM  
**To:** Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>; Wilkes, Quianna <Wilkes.Quianna@epa.gov>  
**Cc:** Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Subject:** FW: NACO Meet & Greet

Hi Qui and Latonia –

When you have a moment, would you kindly check **Layne's and Tate's calendars** for their availability on **Friday, April 7, any time before 3:00 p.m.** 30 minutes should do it.

This would be for a meeting to take place **at the National Association of Counties** with **Executive Director Matt Chase, Deputy Director Deborah Cox, and Associate Director Julie Ufner.** Their address is 660 North Capitol Street, NW, Suite 400, Washington, DC.

Our EPA delegation would consist of **Layne Bangerter, Tate Bennett, Jack Bowles, and myself.** (Ken Wagner is invited, but I am told he will be traveling)

Thank you, and please let me know.

AH

**From:** Julie Ufner [<mailto:JUfner@naco.org>]  
**Sent:** Tuesday, March 28, 2017 10:28 AM  
**To:** Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>  
**Subject:** RE: NACO Meet & Greet

We could do next Friday anytime before 3. Matt is traveling for work next Wed and Thursday.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "Hanson, Andrew" <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>  
**Date:** 3/28/17 10:11 AM (GMT-05:00)  
**To:** Julie Ufner <[JUfner@naco.org](mailto:JUfner@naco.org)>  
**Subject:** RE: NACO Meet & Greet

Ok. (and good luck) We should probably look at next Wed or Fri. Could do Thurs, if no way around it. We'll talk.

**From:** Julie Ufner [<mailto:JUfner@naco.org>]  
**Sent:** Tuesday, March 28, 2017 10:09 AM  
**To:** Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>  
**Subject:** RE: NACO Meet & Greet

At a hearing now-have someone testifying but can call afterwards.

I will be out of town tomorrow through next Tuesday (will be back next Wednesday).

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Hanson, Andrew" <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>

Date: 3/28/17 8:24 AM (GMT-05:00)

To: Julie Ufner <[JUfner@naco.org](mailto:JUfner@naco.org)>

Subject: FW: NACO Meet & Greet

Hey Jules –

Please see the note below and call me at your earliest convenience. Tate Bennet is supposed to be the new DAA for Congressional, and Ken Wagner's new title is related to State and Regional relations, but none of the staff here has met either of them, much less spoken with them.

If you could offer some scheduling windows for this week and/or next week (again, apologies for the late notice) and get back to me, that would be great. Our group would be comprised of Layne Bangerter, Tate, Ken, Jack and (perhaps) me, and I assume they'd want to meet with Matt, Deb and you. (or at least Matt and you) It sounds like we would be coming over there.

Call when you can.

AH

**From:** Bowles, Jack  
**Sent:** Monday, March 27, 2017 3:48 PM  
**To:** Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>  
**Subject:** NACO Meet & Greet

Hi Andy –

We now have the assignment of scheduling meet & greets with our new politicals (Tate, Layne, Ken Wagner if available) and the top tier intergovs, which included NACo. Tate would like to do them later this week (because she knows that Ken is around) or next week if possible. Latonia has Tate's calendar, Quianna has Layne's. Would you set up this NACo one? Thank you.

Best,

## Jack Bowles

Director of State & Local Relations

U.S. Environmental Protection Agency

202-564-3657 (office) | Personal Phone/Ex. 6 (mobile)



**To:** Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Konkus, John[konkus.john@epa.gov]  
**From:** Hale, Michelle  
**Sent:** Thur 2/23/2017 7:54:21 PM  
**Subject:** 4:00 Administrator's meeting re Overview of the Office of Administrator

In error a meeting invitation was sent to some of the Beachhead Team to attend today's 4:00 meeting. Please disregard this invitation as the meeting is for EPA career employees. Apologies.

MH

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Greaves, Holly  
**Sent:** Thur 3/16/2017 3:16:03 PM  
**Subject:** RE: Call me sometime

Hi Layne, I just tried you. When are you free today? Please let me know when you are free and where you are sitting. I'd love to stop by sometime after 12 today.

-----Original Message-----

From: Bangerter, Layne  
Sent: Wednesday, March 15, 2017 6:40 PM  
To: Greaves, Holly <greaves.holly@epa.gov>  
Subject: Call me sometime

Sent from my iPhone

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Kreutzer, David  
**Sent:** Wed 2/15/2017 10:36:04 PM  
**Subject:** Navajo coal plant closure

Layne,

Here's the story on the Navajo power plant closure that I mentioned earlier:  
<https://www.washingtonpost.com/news/energy-environment/wp/2017/02/14/the-wests-largest-coal-fired-power-plant-is-closing-not-even-trump-can-save-it/>

David

David W. Kreutzer, Ph.D.

202.564.3113

IMPORTANT: Please note that any correspondence with this account may become a federal record and be subject to Freedom of Information Act (FOIA) requests.

**From:** Penman, Crystal  
**Location:** 3219A WJCE  
**Importance:** Normal

**Subject:** Weekly LCR Revisions Call in Personal Phone/Ex. 6

**Start Date/Time:** Thur 2/9/2017 7:00:00 PM

**End Date/Time:** Thur 2/9/2017 8:00:00 PM

lead peer review Schedule Revised 2 2 17.docx

Rule Schedule LCR Long-term Revisions Updated on 1.18.17.xlsx

**To:** Cheatham, Reggie[cheatham.reggie@epa.gov]  
**Cc:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Davis, Patrick  
**Sent:** Mon 3/6/2017 9:28:18 PM  
**Subject:** FW: EOC Spot Report Update #1: Region 8, Chevron Pipeline Discharge, Rangely, CO (NRC#: 1172528)

Reggie,

Please add Layne Bangerter to the spot report list.

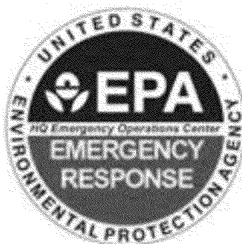
Thanks,

Patrick Davis

**From:** Eoc, Epahq  
**Sent:** Monday, March 6, 2017 3:13 PM  
**To:** Eoc, Epahq <Eoc.Epahq@epa.gov>  
**Subject:** EOC Spot Report Update #1: Region 8, Chevron Pipeline Discharge, Rangely, CO (NRC#: 1172528)

**This report is being sent as a bcc to prevent accidental Reply to All messages.**

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# **EOC Spot Report Update #1: Region 8, Chevron Pipeline Discharge, Rangely, CO (NRC#: 1172528)**

**US Environmental Protection Agency**

**Report as of March 6, 2017 1500 ET**

**Investigation Techniques /Ex. 7E, Deliberative Process Privilege/Ex. 5**

**State, Local and other Federal Agency Actions:** None reported at this time.

**Investigation Techniques /Ex. 7E, Deliberative Process Privilege/Ex. 5**

**Media Interest:** None at this time.

**The HQ EOC will continue to monitor and provide updates as needed.**

**UNCLASSIFIED//FOR OFFICIAL USE ONLY**

Matt Richards, Watch Officer

U.S. Environmental Protection Agency

Headquarters Emergency Operations Center

1200 Pennsylvania Ave

Washington, DC 20004

202-564-3850

<mailto:eoc.epahq@epa.gov>

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Wilkes, Quianna  
**Sent:** Thur 3/16/2017 2:52:27 PM  
**Subject:** Your 11am is sitting in your office. I removed a binder and a folder that was left on your table and placed it on your desk

Quianna Elliott

(Desk) 202-564-2486

WJC-North 3442 D

Office of Congressional and Intergovernmental Relations

[wilkes.quianna@epa.gov](mailto:wilkes.quianna@epa.gov)



**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Kreutzer, David  
**Sent:** Wed 2/15/2017 6:36:09 PM  
**Subject:** Re: Rapporteur visit

Ok

Sent from my iPhone

> On Feb 15, 2017, at 1:25 PM, Bangerter, Layne <bangerter.layne@epa.gov> wrote:

>

> Maybe about 245 I'm off to my 130

>

> Sent from my iPhone

>

>> On Feb 15, 2017, at 10:46 AM, Kreutzer, David <kreutzer.david@epa.gov> wrote:

>>

>> I forgot I have a 3:00 phone meeting. Would 2 or 2:30 work?

>>

>> Sent from my iPhone

>>

>>> On Feb 14, 2017, at 11:57 AM, Bangerter, Layne <bangerter.layne@epa.gov> wrote:

>>>

>>> Have meetings on hill and briefings in the AM tomorrow so tomorrow PM?

>>>

>>> Sent from my iPhone

>>>

>>>> On Feb 14, 2017, at 11:22 AM, Kreutzer, David <kreutzer.david@epa.gov> wrote:

>>>>

>>>> When you get in and have a minute, let's talk.

>>>>

>>>> Sent from my iPhone

**To:** AO PUBLIC GROUPS[AO\_PUBLIC\_GROUPS@epa.gov]  
**From:** Twillman, Brian  
**Sent:** Thur 3/9/2017 1:00:50 PM  
**Subject:** SPACES are Available for these two LLMP TIME MANAGEMENT SESSIONS - Location: WJC N 3530

*This message is being forwarded to AO Public Groups.*

**Hello Everyone** - As it happens, we have 5-10 spots available in each of the sessions below. If you are interested, available, and have the supervisory support to attend, please send me an email reply or simply come to the session of your choice. There is no cost to participate as funds have already been provided for this training.

Earlier this week, we held two sessions and the sessions and the trainer, Nicole Chamblin, who is a 'productivity trainer' were very well received.

Some of the course objectives are:

- Learn to set SMART goals
- Improve project management
- Learn effective ways to address procrastination
- Identify additional ways to manage stress associated with maintaining and accomplishing your project workload.

**Brian M. Twillman, MS-ABS** - Training Coordinator and Organization Development Specialist

**"Service First, People Always."** US EPA | Office of the Administrator | Office of Administrative and Executive Services (OAES)

WJC North | Rm 2432-Y | Mail-Code 1104-A 1200 Pennsylvania Avenue, NW, WDC 20460

202.564.5948 phone | 202.564.2744 fax | Personal Phone/Ex. 6 EPA iPhone

EPA eLearning: <http://epa.skillport.com/>

HQ's OHR Site: <http://intranet.epa.gov/hrtraining/>

EPA University's List of Mandatory Training: <http://workplace.epa.gov/training.html>

---

**Subject:** LLMP TIME MANAGEMENT SESSIONS - New Room For tomorrow's Sessions - WJC North 6530 - NOW WJC N 3530

**\*SPACES ARE AVAILABLE \***  
**EPA LLMP Mentoring Program**  
**Time Management Training Session**

**Thursday, March 9, 2017**

**AM Session: 9-11 a.m.**

**PM Session: 1-3 p.m.**

(Select One to Attend)

**WJC North Room 3530**

Hi EPA Leaders and Learners Mentoring Program (LLMP) Participants and others!

If you have any questions, please contact Brian Twillman at 202-564-5948 or Personal Phone/Ex. 6

Personal Phone/Ex. 6

We look forward to seeing you at the session.

The EPA Leaders and Learners Mentoring Program (LLMP) Program Coordinators:

Brian Twillman, Office of the Administrator (AO), 202-564-5948, [twillman.brian@epa.gov](mailto:twillman.brian@epa.gov)

John Reynolds, Office of Enforcement and Compliance Assurance (OECA), 202-564-1335,

[reynolds.john@epa.gov](mailto:reynolds.john@epa.gov)

Kate Graf, Office of Chemical Safety and Pollution Prevention (OCSPP), 202-564-0193,

[graf.kate@epa.gov](mailto:graf.kate@epa.gov)

Patricia Coleman, Office of Pesticide Programs (OCSPP/OPP), 703-305-5518,

[coleman.patricia@epa.gov](mailto:coleman.patricia@epa.gov)

Julia Stokes, Office of Pesticide Programs (OCSPP/OPP), 703-347-8966, [stokes.julia@epa.gov](mailto:stokes.julia@epa.gov)

Michele Taylor, Office of Pollution Prevention and Toxics (OCSP/OPPT), 202-564-1380, [taylor.michele@epa.gov](mailto:taylor.michele@epa.gov)  
Lisa Treadwell, Office of Environmental Information (OEI), 202-566-1851, [treadwell.lisa@epa.gov](mailto:treadwell.lisa@epa.gov)  
Lorraine Butler, Office of the Chief Financial Officer (OCFO), 202-564-4958, [butler.lorraine@epa.gov](mailto:butler.lorraine@epa.gov)  
Allen Maples, Office of Land and Emergency Management (OLEM), 202-566-2268, [maples.allen@epa.gov](mailto:maples.allen@epa.gov)  
Jack Naylor, Office of Water (OW), 202-564-0393, [naylor.jack@epa.gov](mailto:naylor.jack@epa.gov)  
Alfredo Torrez, Office of Water (OW), 202-564-6621, [torrez.alfredo@epa.gov](mailto:torrez.alfredo@epa.gov)  
Joshua Fowler, EPA Region 8 (Denver), 303-312-6348, [fowler.joshua@epa.gov](mailto:fowler.joshua@epa.gov)  
Lisa Langford, Office of Research and Development (ORD), 919-541-0798, [langford.lisa@epa.gov](mailto:langford.lisa@epa.gov)  
Lauren Lemley, Office of Administration and Resources Management (OARM), 202-564-1290, [lemley.lauren@epa.gov](mailto:lemley.lauren@epa.gov)  
I Mei Chan, Office of Air and Radiation (OAR), Office of Radiation and Indoor Air (ORIA), 202-343-9048, [chan.imei@epa.gov](mailto:chan.imei@epa.gov)  
Kia Logan, Office of Air and Radiation (OAR), Office of Radiation and Indoor Air (ORIA), 202-343-9285, [logan.kia@epa.gov](mailto:logan.kia@epa.gov)  
Katrina Cherry, Office of International & Tribal Affairs (OITA), 202-564-2478, [cherry.katrina@epa.gov](mailto:cherry.katrina@epa.gov)

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Skip Brandt  
**Sent:** Sat 3/25/2017 2:05:38 PM  
**Subject:** FW: Thank You For Your Interest in Serving - You Need to Apply Online

Layne,  
I received the below email yesterday. However, When I fill it all out and hit submit I am sent to a page that says "Page not found"!

Can you tell me where to inquire about what to do?

Cheers,

Skip Brandt

Personal Matters/Ex. 6

-----Original Message-----

From: Do Not Reply | **Ex. 5 - Deliberative Process**

Sent: Friday, March 24, 2017 10:34 AM

To: **Personal Email/Ex. 6**

Subject: Thank You For Your Interest in Serving - You Need to Apply Online

Dear Rocky Skipper Brandt,

Thank you for expressing an interest in serving in President Trump's Administration, you are receiving this email because you were referred by someone. In order to ensure you receive due consideration, it would be helpful to have your contact and background information electronically. Please complete the online Presidential Personnel application at <https://apply.whitehouse.gov>.

Thank you again for apprising us of your desire to serve the public interest as part of the Trump Administration.

Sincerely,  
The Office of Presidential Personnel

**No. 15-10311**

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

---

**FREDRIC RUSSELL MANCE, JR; TRACEY AMBEAU HANSON;  
ANDREW HANSON; CITIZENS COMMITTEE FOR THE  
RIGHT TO KEEP AND BEAR ARMS,**

**Plaintiffs-Appellees,**

**v.**

**LORETTA LYNCH, U.S. ATTORNEY GENERAL; THOMAS E. BRANDON,  
Acting Director, Bureau of Alcohol, Tobacco, Firearms & Explosives,**

**Defendants-Appellants.**

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**ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
Civil Action No. 4:14-cv-539**

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**BRIEF FOR APPELLANTS**

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## **CERTIFICATE OF INTERESTED PERSONS**

*Mance, et al. v. Lynch, et al.*, No. 15-10311

The undersigned counsel of record certifies that the following listed persons and entities as described in the fourth sentence of Rule 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

### **Plaintiffs:**

Fredric Russell Mance, Jr.  
Tracey Ambeau Hanson  
Andrew Hanson  
Citizens Committee For The Right To Keep And Bear Arms

### **Defendants:**

Loretta Lynch  
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## **STATEMENT REGARDING ORAL ARGUMENT**

The government respectfully requests oral argument in this case. The district court held that federal requirements concerning the sale of handguns violate the Second and Fifth Amendments of the U.S. Constitution. The government believes oral argument could provide substantial assistance to this Court in understanding the important issues in the case.

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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FREDRIC RUSSELL MANCE, JR; TRACEY AMBEAU HANSON;  
ANDREW HANSON; CITIZENS COMMITTEE FOR THE  
RIGHT TO KEEP AND BEAR ARMS,

Plaintiffs-Appellees,

v.

LORETTA LYNCH, U.S. ATTORNEY GENERAL; THOMAS E.  
BRANDON, Acting Director, Bureau of Alcohol, Tobacco, Firearms &  
Explosives,

Defendants-Appellants.

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
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BRIEF FOR APPELLANTS

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**STATEMENT OF JURISDICTION**

Plaintiffs invoked the district court's jurisdiction under 28 U.S.C. §§ 1331, 1343, and 2201. ROA.448, GRE42. The district court entered summary judgment against the government on February 11, 2015. ROA.491, GRE11. The government filed a timely notice of appeal on April 10, 2015. ROA.541, GRE9. This Court has jurisdiction under 28 U.S.C. § 1291.

## STATEMENT OF THE ISSUES

Federal law requires that handgun sales occur in a prospective purchaser's state of residence. If an individual desires to purchase a handgun from a different state, the out-of-state handgun must be transferred to a federal firearms dealer in the purchaser's home state. The issues presented are whether this requirement is consistent with the Second Amendment and the equal protection component of the Fifth Amendment.

## STATEMENT OF THE CASE

### A. ☐ STATUTORY AND REGULATORY BACKGROUND

1. Congress has “impos[ed] conditions and qualifications on the commercial sale of arms,” *District of Columbia v. Heller*, 554 U.S. 570, 626-27 (2008), as part of its regulation of interstate commerce in firearms. Congress enacted the Omnibus Crime Control and Safe Streets Act of 1968, Pub. L. No. 90-351, 82 Stat. 197 (Omnibus Crime Control Act), following a multi-year investigation of violent crime that revealed “the serious problem of individuals going across State lines to procure firearms which they could not lawfully obtain or possess in their own State and without the knowledge of their local authorities.” S. Rep. No. 89-1866, at 19 (1966) (reproduced at ROA.110-210). Congress determined that “the existing Federal controls over [firearms] traffic do not adequately enable the States to control this traffic within their own borders.” Omnibus Crime Control Act § 901(a)(1), 82 Stat. at 225. Later in the same year, Congress enacted the Gun Control Act of 1968, Pub. L. No. 90-618, 82

Stat. 1213, the “principal purpose” of which was “to strengthen Federal controls over interstate and foreign commerce in firearms and to assist the States effectively to regulate firearms traffic within their borders.” H.R. Rep. No. 90-1577, at 6 (1968).

The evidence before Congress showed that the “interstate, nonresident purchases of firearms for criminal purposes” caused “the laws of our States and their political subdivisions [to be] circumvented, contravened, and rendered ineffective.” S. Rep. No. 90-1097, at 77 (1968); ~~see also~~ S. Rep. No. 89-1866, at 3 (“[T]he over-the-counter sale of firearms, primarily handguns, to persons who are not residents of the locale in which the dealer conducts his business” permitted dealers and purchasers to “circumvent[] State and local law.”).

Sales to non-residents were “a serious contributing factor to crime.” S. Rep. No. 90-1097, at 80 (1968). Testimony “indicate[d] that large numbers of criminals and juveniles” purchased firearms out of state “in order to circumvent the laws of their respective jurisdictions.” *Id.* For example, records showed that interstate transfers of handguns led to “[c]ircumvention of the laws of the District of Columbia” because many individuals with criminal records in the District of Columbia purchased handguns in a nearby Maryland county with “minimal” sales regulations. S. Rep. No. 89-1866, at 61. Similarly, Massachusetts authorities testified “that 87 percent of the 4,506 crime guns misused in that State were purchased outside of Massachusetts in neighboring States,” thereby hampering the effectiveness of Massachusetts’s “stringent controls [on] the sale of firearms and primarily handguns.”

S. Rep. No. 90-1097, at 77. And Michigan authorities testified that “90 out of every 100 crime guns confiscated in Detroit are not purchased and registered in Michigan and that the prime source of these crime guns is by purchases [in] neighboring Ohio, where controls on firearms are minimal.” *Id.*

Congress thus concluded that “the sale or other disposition of concealable weapons . . . to nonresidents . . . has tended to make ineffective the laws, regulations, and ordinances in the several States and local jurisdictions.” Omnibus Crime Control Act § 901(a)(5), 82 Stat. at 225. Congress found “that only through adequate Federal control over interstate and foreign commerce in these weapons, and over all persons engaging in the businesses of importing, manufacturing, or dealing in them, can this grave problem be properly dealt with, and effective State and local regulation of this traffic be made possible.” *Id.* § 901(a)(3), 82 Stat. at 225.

To that end, Congress included in both the Omnibus Crime Control Act and the Gun Control Act statutory provisions “designed to prevent the avoidance of State and local laws controlling firearms by the simple expediency of crossing a State line to purchase one.” H.R. Rep. No. 90-1577, at 14; *see also* S. Rep. No. 90-1097, at 114. These provisions include restrictions on the sale and delivery of handguns to out-of-state residents, *see* 18 U.S.C. § 922(b)(3), and restrictions on transporting or receiving handguns purchased outside of one’s state of residence, *id.* § 922(a)(3). Together, these provisions—referred to here as the “in-state sales requirements”—ensure that prospective buyers receive handguns in their state of residence.

Section 922(b)(3) applies to federal fire arms licensees, which include licensed importers, manufacturers, dealers, and collectors of firearms. 18 U.S.C. § 922(b)(3); *see also id.* § 923(a)-(b) (federal license requirements). This provision makes it unlawful for a federal firearms licensee “to sell or deliver . . . any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in . . . the State in which the licensee’s place of business is located.” *Id.* § 922(b)(3). It restricts the sale of handguns, but not the sale of rifles or shotguns. *Id.* § 922(b)(3)(A) (creating exception for “the sale or delivery of any rifle or shotgun . . . if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States”). Section 922(b)(3) does not apply to “the loan or rental of a firearm . . . for temporary use for lawful sporting purposes.” *Id.* § 922(b)(3)(B).

The statute also imposes related restrictions on purchasers. Section 922(a)(3) makes it unlawful for “any person, other than a [federal firearms licensee,] to transport into or receive in the State where he resides . . . any firearm purchased or otherwise obtained by such person outside that State.” 18 U.S.C. § 922(a)(3). This provision does not apply if the firearm was purchased or obtained in conformity with subsection (b)(3). *Id.* § 922(a)(3)(B).

To obtain a handgun from an out-of-state source, a purchaser may arrange for the handgun to be delivered to an in-state firearms dealer, from whom the purchaser may retrieve the handgun directly. *See* 18 U.S.C. § 922(a)(3) (restriction does not apply

to federal firearms licensees); *id.* § 922(b) (transactions between federal firearms licensees are exempt). The in-state firearms dealer may charge a fee for the service of receiving the firearm and completing the transaction. The in-state dealer is responsible for verifying the purchaser's identity and initiating the background check process. ~~See~~ 27 C.F.R. § 478.124(c).

2. The Bureau of Alcohol, Tobacco, Firearms and Explosives is authorized to issue "such rules and regulations as are necessary to carry out" Title 18's provisions relating to firearms. 18 U.S.C. § 926(a); 28 C.F.R. § 0.130(a)(1). One such implementing regulation is 27 C.F.R. § 478.99(a), which closely tracks Congress's restrictions on interstate sales and delivery of firearms by firearms licensees, ~~see~~ 18 U.S.C. § 922(b)(3). The regulation provides that a federal firearms licensee "shall not sell or deliver any firearm to any person not licensed under this part and who the licensee knows or has reasonable cause to believe does not reside in . . . the State in which the licensee's place of business or activity is located." 27 C.F.R. § 478.99(a). Like its statutory counterpart, the regulation includes an exception for the sales or delivery of rifles or shotguns under certain conditions, as well as an exception for the loan or rental of a firearm for temporary use for lawful sporting purposes. *Id.*

3. The Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, Stat. 1536 (1993) (Brady Act), required the Attorney General to establish a "national instant criminal background check system" to search the backgrounds of prospective purchasers of firearms. *Id.* § 103(b); ~~see also~~ 18 U.S.C. § 922(t)(1). This federal

background check system, which is operated by the FBI, searches available records in three databases to determine whether a prospective purchaser is prohibited from receiving or possessing a firearm under 18 U.S.C. § 922(g) or (n), or state law. 18 U.S.C. § 922(t)(2); 28 C.F.R. §§ 25.3, 25.6(c)(iii), 25.6(f). All federal firearms licensees must initiate a background check prior to transferring a firearm to a prospective purchaser. 18 U.S.C. § 922(t)(1).

States and localities voluntarily contribute information to the federal background check system. 28 C.F.R. § 25.4. But states face significant obstacles to contributing information to the system, including logistical and budgetary constraints involved in submitting information, as well as state privacy laws that may prevent sharing of certain records, such as mental health records. *The Fix Gun Checks Act: Hearing before the Subcomm. on Crime & Terrorism of the S. Comm. of the Judiciary*, 112th Cong. (2011) (statement of David Cuthbertson, Assistant Director, Criminal Justice Information Services Division, Fed. Bureau of Investigation) (FBI Statement) (discussing “continuing challenges”).<sup>1</sup> Therefore, states often have information about individuals that would disqualify them from purchasing a firearm, but that is not flagged in the federal background check process. *See id.*; *see also Gun Control: Improving the National Instant Criminal Background Check System: Testimony Before the S. Comm. on the Judiciary*, 106th Cong. 5-6 (2000) (Statement for the Record of Laurie E. Ekstrand,

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<sup>1</sup> Available at <https://www.fbi.gov/news/testimony/the-fix-gun-checks-act-better-state-and-federal-compliance-smarter-enforcement> (last visited July 9, 2015).



Director, Administration of Justice Issues, General Government Division, U.S. Gen. Accounting Office) (GAO Testimony)<sup>2</sup>.

States have the option to rely entirely on the federal background check system or to conduct their own background checks with the assistance of the federal system. States that conduct their own background checks in consultation with the federal system are known as “Point of Contact” states. See 28 C.F.R. § 25.2 (defining “Point of Contact”). In Point of Contact states, a firearms dealer contacts the designated state or local agency, which first consults the federal system and then typically reviews additional internal databases in an effort to make a more comprehensive decision on whether the transaction is prohibited by federal law or the laws of that individual jurisdiction. See 28 C.F.R. § 25.6(d)-(e). These internal databases are generally unavailable to the federal background check system or to any other jurisdiction.

States may have additional requirements for purchasing or possessing a firearm, such as training and special permits for purchasers or residents in that state. See U.S. Gen. Accounting Office, GAO-01-427, *Firearms Purchased From Federal Firearm Licensees Using Bogus Identification* 1-2 (Mar. 2001) (GAO Firearms Identification Report). The federal background check system is unable to determine whether a prospective purchaser satisfies these requirements. See Crim. Justice Info. Servs. Div., FBI,

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<sup>2</sup> Available at <http://gao.gov/assets/90/81660.pdf> (last visited July 9, 2015).

<sup>3</sup> Available at <http://www.gpo.gov/fdsys/pkg/GAOREPORTS-GAO-01-427/pdf/GAOREPORTS-GAO-01-427.pdf> (last visited July 9, 2015).

*National Instant Criminal Background Check System (NICS) Operations 1-2* (2014) (Operations Report) (describing data in each federal database).<sup>4</sup> Nor does the federal background check system provide information regarding the legality of a particular type of firearm in a given state. *See id.* States also may require additional procedures or mandatory waiting periods before a transaction may occur. GAO Firearms Identification Report 1-2. It is the individual dealer's responsibility to ensure that all of these requirements are satisfied.

#### **B.□ FACTUAL BACKGROUND AND PROCEDURAL HISTORY**

Plaintiff Fredric Russell Mance, Jr., is a Texas resident and a federal firearms licensee who retails firearms at his business in Arlington, Texas. ROA.447, 453, GRE41, 47. Plaintiffs Andrew Hanson and Tracey Ambeau Hanson, who are husband and wife, reside in the District of Columbia. ROA.447, GRE41. The Citizens Committee for the Right to Keep and Bear Arms is a pro-firearms organization that claims plaintiffs Mance and the Hansons as members. ROA.447-48, GRE41-42.

In 2014, the Hansons visited Mance's place of business in Arlington, Texas, and each identified a handgun that they wished to purchase. ROA.453, GRE47. The Hansons would have purchased the handguns directly from Mance if the sale had complied with federal law. ROA.453-54, GRE47-48. The Hansons could have

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<sup>4</sup> Available at <https://www.fbi.gov/about-us/cjis/nics/reports/2014-operations-report> (last visited July 9, 2015).

arranged to purchase Mance's handguns through a federally licensed firearms dealer in the District of Columbia. See ROA.454, GRE48. Charles Sykes, who is currently the only federally licensed firearms dealer in the District of Columbia, facilitates the transfer of handguns from other dealers for a fee of \$125 plus shipping costs. *Id.* The Hansons did not purchase the handguns through Sykes because they did not wish to incur these fees. *Id.*

Plaintiffs filed suit in the Northern District of Texas. Their Second Amended Complaint alleges that the in-state sales requirements—namely, 18 U.S.C. § 922(a)(3), (b)(3), and 27 C.F.R. § 478.99—violate the Second Amendment and the equal protection guarantee of the Fifth Amendment's Due Process Clause. ROA.455, GRE49. Plaintiffs sought injunctive relief prohibiting the government from enforcing these requirements. ROA.456, GRE50.

The government filed a motion to dismiss or, in the alternative, to enter summary judgment, and the plaintiffs filed a cross-motion for summary judgment. The district court granted plaintiffs' motion for summary judgment and denied the government's motion, holding that the in-state sales requirements are unconstitutional on their face and as applied to plaintiffs.<sup>5</sup>

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<sup>5</sup> The court also held that the plaintiffs had standing to bring the present action. ROA.470-71, GRE19-20. The government does not press the standing argument on appeal.

Analyzing plaintiffs' Second Amendment claim, the court applied the two-step inquiry adopted by this Court and other courts of appeals. "[T]he first step is to determine whether the challenged law impinges upon a right protected by the Second Amendment," and "the second step is to determine whether to apply intermediate or strict scrutiny to the law, and then to determine whether the law survives the proper level of scrutiny." *National Rifle Ass'n of Am., Inc. v. Bureau of Alcohol, Tobacco, Firearms, & Explosives*, 700 F.3d 185, 194 (5th Cir. 2012) (*ATF*); *see also* ROA.473, GRE22.

At the first step, the court held that the in-state sales requirements burden conduct within the scope of the Second Amendment. ROA.474-76, GRE23-25. It rejected the government's argument that the requirements merely impose "conditions and qualifications on the commercial sale of arms," which the Supreme Court has deemed "presumptively lawful." *Heller*, 554 U.S. at 626-27 & n.26; *compare* ROA.91-94, *with* ROA.474-75, GRE23-24. The court also rejected the government's contention that the laws are "firmly historically rooted" and thus fall outside the Second Amendment, ROA.93 (quoting *ATF*, 700 F.3d at 204), a contention that the government supported with historical evidence of early 20th-century state residency restrictions on the purchase or possession of firearms, ROA.93-94, 364; ROA.212-17, 393-97, GRE52-62. The district court believed that such evidence was not germane to a historical inquiry, stating that only "evidence of founding-era thinking" was pertinent. ROA.474-75, GRE23-24. The court declared that the government's

historical evidence does “not date back quite far enough to be considered longstanding.” ROA.475, GRE24.

At the second step, the court stated that the laws impose “substantial additional time and expense” on “law-abiding, responsible citizens,” and thus implicate the core of the Second Amendment. ROA.477-78, GRE26-27 (emphasis omitted). The court then applied strict scrutiny to the requirements, and held that the laws were not narrowly tailored to serve the government’s compelling interest in preventing handgun crime. ROA.479-86, GRE28-35. The court acknowledged that evidence before Congress supported the need for these laws in 1968, but it demanded “reasonably current figures” to show that the restrictions are still necessary under the “modern regime” of national criminal background checks under the Brady Act. ROA.480-82, GRE29-31 (emphasis omitted). The court recognized the possibility that the in-state sales requirements “may . . . remain[] justified because the Brady Act fails to prevent prohibited individuals from crossing state lines to illegally acquire and possess handguns they otherwise would not obtain,” or because “the Brady Act fails to provide notice to those states who desire it.” ROA.483, GRE32. Nevertheless, the district court concluded that the government “failed to carry [its] burden” to make that showing and held that the in-state sales requirements violate the Second Amendment, both facially and as applied to the plaintiffs. ROA.483, 486, GRE32, 35.

The district court further concluded that the laws fail to satisfy even intermediate scrutiny, which requires that the laws be substantially related to an

important government interest. ROA.486, GRE35 (citing *National Rifle Ass'n of Am., Inc. v. McCraw*, 719 F.3d 338, 348-49 (5th Cir. 2013)). The court reasoned that the laws do not target discrete categories of people, conduct, or classes of firearms, but rather “target[] the entire national market of handgun sales and directly burden[] law-abiding, responsible citizens who seek to complete otherwise lawful transactions for handguns.” ROA.487, GRE36. The court recognized the possibility that the laws “may . . . provide[] a reasonable fit to prevent prohibited individuals from crossing state lines to illegally acquire and possess handguns they otherwise would not obtain, even in light of the Brady Act[].” ROA.488, GRE37. Nevertheless, the court determined that the government failed to satisfy its burden and held that even under intermediate scrutiny, the in-state sales requirements are unconstitutional on their face and as applied to the plaintiffs. *Id.*

Finally, the district court held that the laws violate plaintiffs’ right to equal protection of the laws under the Fifth Amendment’s Due Process Clause. ROA.489-90, GRE38-39. The court concluded that the in-state sales requirements are subject to strict scrutiny because they “interfere[] with the exercise of a fundamental right” and “impinge[] on residency.” ROA.489, GRE38. Relying entirely on its strict-scrutiny analysis under the Second Amendment, the court held that the challenged laws also violate the Fifth Amendment. ROA.490, GRE39.

The district court's final judgment enjoined the government from enforcing 18 U.S.C. § 922(a)(3), (b)(3), and 27 C.F.R. § 478.99(a) against the plaintiffs with respect to their desired transaction. ROA.491, GRE11.<sup>6</sup>

### SUMMARY OF ARGUMENT

The district court's decision strikes down federal firearms provisions that do not implicate the Second Amendment's central right to use firearms for self-defense in the home, and that impose no substantial burden on the right to keep and bear arms. The challenged laws do not prohibit the possession, carrying, or use of a firearm by anyone, anywhere. Indeed, they do not even ban the sale of firearms. The relevant provisions simply require that the final steps of a handgun sale occur in an individual purchaser's state of residence. In this case, the Hansons need only pay a \$125 transaction fee, plus shipping costs, to transfer their firearm of choice to an in-state dealer.

The in-state sales requirements fall outside the scope of the Second Amendment. They do not implicate the core Second Amendment right of self-defense in the home, and they are the very sort of "conditions and qualifications on the commercial sale of arms" that are "presumptively lawful." *District of Columbia v.*

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<sup>6</sup> As the government explained in briefing on its motion to stay the district court's order, the injunction properly extends "only to the named plaintiffs and the transaction upon which they based their claimed injury." ROA.514; *see also Hernandez v. Reno*, 91 F.3d 776, 781 (5th Cir. 1996) (in the absence of class certification, injunctive relief extended only to the named plaintiff). The court's order denying the stay motion did not dispute this interpretation of the injunction. ROA.517-18.

*Heller*, 554 U.S. 570, 626-27 & n.26 (2008). Indeed, historical evidence demonstrates that states have long imposed restrictions on the purchase or possession of firearms by non-residents.

If the restrictions fall within the scope of the Second Amendment, they are subject at most to intermediate scrutiny because the in-state sales requirements “do[] not encroach on the core of the Second Amendment,” and they do not impose a substantial burden on Second Amendment rights. *National Rifle Ass’n of Am., Inc. v. Bureau of Alcohol, Tobacco, Firearms, & Explosives*, 700 F.3d 185, 195 (5th Cir. 2012). The challenged laws simply require a prospective handgun buyer to receive a handgun from a dealer in his or her state of residence, which may involve a transaction fee, plus shipping costs. Such incidental costs are typical of “conditions and qualifications on the commercial sale of arms,” *Heller*, 554 U.S. at 627, and they are hardly a substantial burden that triggers strict scrutiny.

The in-state sales requirements easily satisfy intermediate scrutiny, because they are reasonably related to the government’s important interests in preventing handgun crime and ensuring the effectiveness of state and local firearms regulations. The requirements are designed to prevent the serious problem of individuals circumventing state and local laws by crossing state lines to purchase a handgun. Requiring prospective buyers to receive handguns in their state of residence allows states to ensure enforcement of their own laws regarding the purchase and possession of handguns. Therefore, this Court should reverse the district court’s decision and



hold that the in-state sales requirements are constitutional, both facially and as applied to the plaintiffs in this case.

The district court also erred in holding that the in-state sales requirements violate the equal protection guarantee of the Fifth Amendment's Due Process Clause. The requirements do not discriminate based on individual purchasers' residency: They treat all citizens the same by requiring them to purchase firearms through an in-state dealer. In any event, given the highly regulated context of firearms, residents and non-residents of any given state are not similarly situated. Rational-basis review, rather than strict scrutiny, applies, and the in-state sales requirements should be upheld under that standard.

### **STANDARD OF REVIEW**

This Court reviews the constitutionality of federal statutes de novo. *National Rifle Ass'n of Am., Inc. v. Bureau of Alcohol, Tobacco, Firearms, & Explosives*, 700 F.3d 185, 192 (5th Cir. 2012).

### **ARGUMENT**

#### **I. THE CHALLENGED LAWS ARE CONSISTENT WITH THE SECOND AMENDMENT.**

This Court has adopted a two-step approach for determining whether a law comports with the Second Amendment. First, the Court asks "whether the conduct at issue falls within the scope of the Second Amendment right." *National Rifle Ass'n of Am., Inc. v. Bureau of Alcohol, Tobacco, Firearms, & Explosives*, 700 F.3d 185, 194 (5th Cir.

2012) (*ATF*). If the law falls within the scope of the Second Amendment, then the Court applies the appropriate level of scrutiny, which “depends on the nature of the conduct being regulated and the degree to which the challenged law burdens the right.” *Id.* at 195 (internal quotation marks omitted).

The district court erred at both steps of this analysis. The in-state sales requirements are “conditions . . . on the commercial sale of arms” that are “presumptively lawful,” and thus fall outside the scope of the Second Amendment. *District of Columbia v. Heller*, 554 U.S. 570, 626-27 & n.26 (2008). Even if they are subject to Second Amendment analysis, however, only intermediate scrutiny is appropriate, because they do not burden the core Second Amendment right “to use arms in defense of hearth and home.” *ATF*, 700 F.3d at 205 (quoting *Heller*, 554 U.S. at 635). The in-state sales requirements easily survive intermediate scrutiny because they are reasonably adapted to the important government interests of protecting the community from crime and ensuring the effectiveness of state and local firearms regulations.

#### **A.□ The Challenged Laws Do Not Burden Second Amendment Rights.**

In *Heller*, the Supreme Court made clear that the Second Amendment right to keep and bear arms is “not unlimited”; it is “not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.” 554 U.S. at 626. The Court “identified the Second Amendment’s central right as the right to defend oneself in one’s home.” *ATF*, 700 F.3d at 194; ~~see~~ *also id.* at 193 (describing the

“central right” of the Second Amendment as “the ‘right of law-abiding, responsible citizens to use arms in defense of hearth and home’ ”) (quoting *Heller*, 554 U.S. at 635) (emphasis omitted). Applying this reasoning, the Court struck down a District of Columbia prohibition on the possession of usable handguns in the home. *Heller*, 554 U.S. at 574. The *Heller* Court was careful to note the limitations of its opinion, clarifying that that “nothing . . . should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.” *Id.* at 626-27. Such measures, the Court explained, are “presumptively lawful.” *Id.* at 627 n.26.

The district court fundamentally misunderstood *Heller* in holding that the in-state sales requirements burden a Second Amendment right. The requirements do not implicate the core of the Second Amendment, and they are the very sort of “longstanding . . . laws imposing conditions and qualifications on the commercial sale of arms” that the Supreme Court deemed “presumptively lawful.” *Heller*, 554 U.S. at 626-27 & n.26. Longstanding state laws confirm the historical pedigree of similar residency-based restrictions. Therefore, the in-state sales requirements should be upheld at step one of this Court’s analysis. *ATF*, 700 F.3d at 196.

1. Plaintiffs identify no respect in which the in-state sales requirements implicate a Second Amendment right. The challenged laws in no way infringe the core

Second Amendment right “to use arms in defense of hearth and home.” *ATF*, 700 F.3d at 193 (quoting *Heller*, 554 U.S. at 635). The in-state sales requirements do not prohibit anyone from possessing, carrying, or using firearms for self-defense anywhere, whether inside or outside the home. There is no support for the district court’s conclusion that the laws implicate the “core” of the Second Amendment. *ROA*.477, *GRE*26.

The in-state sales requirements merely regulate the manner in which individuals purchase firearms. They allow buyers to purchase their firearms of choice, even if those firearms are sold by an out-of-state dealer. Buyers simply must complete the sales transaction through an in-state dealer. This is not a sales ban, but a condition on the commercial sale of firearms. Indeed, this is the very sort of “longstanding . . . condition[] and qualification[] on the commercial sale of arms” that the *Heller* Court deemed “presumptively” lawful. 554 U.S. at 626-27 & n.26. The Court was no doubt aware that firearms sales conditions typically involve incidental costs, such as licensing fees or the \$125 transfer fee of which plaintiffs complain. As this Court has explained, such “longstanding, presumptively lawful regulatory measure[s]” “likely fall outside the ambit of the Second Amendment,” and thus may be upheld at step one of this Court’s analysis. *ATF*, 700 F.3d at 196.

2. Historical evidence confirms that the challenged laws fall outside the scope of the Second Amendment, because the laws “harmonize[] with the historical traditions associated with the Second Amendment guarantee.” *ATF*, 700 F.3d at 194.

Between 1909 and 1939, at least 16 states enacted laws restricting the acquisition, possession, or carrying of one or more types of firearms to state residents.<sup>7</sup> For example, a Michigan law provided that “[n]o person shall purchase a pistol” without a license, which was available only to individuals who had “resided in this state six months or more.” Act of June 2, 1927, ch. 372, §§ 2, 6, 1927 Mich. Acts 887, 887-89 (reproduced at ROA.216-17, GRE56-57). Similarly, a Missouri law provided that “[n]o person . . . shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this state, any pistol, revolver or other firearm of a size which may be concealed upon the person” unless such person had a permit authorizing the acquisition of the firearm. Act of April 7, 1921, § 2, 1921 Mo. Laws 692 (reproduced at ROA.215, GRE55). The permit was issued by “the circuit clerk of the county in which the applicant for a permit resides in this state,” thereby making residency a precondition for a permit to purchase a firearm. *Id.*

The district court dismissed the relevance of this historical evidence, reasoning that “these early twentieth century state residency restrictions do not date back quite far enough to be considered longstanding.” ROA.475, GRE24. Instead, the district court insisted upon “evidence of founding-era thinking that contemplated that

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<sup>7</sup> West Virginia (1909); Georgia and Rhode Island (1910); New York and Oregon (1913); Montana (1919); Illinois and North Carolina (1919); Missouri (1921); Massachusetts (1922); Arkansas (1923); New Jersey (1924); Michigan (1927); Indiana (1935); Alabama (1937); and Maine (1939). See ROA.212-17, 393-97, GRE52-62 (reproducing text of laws).

interstate, geography-based, or residency-based firearm restrictions would be acceptable.” *Id.* The district court’s reasoning is mistaken for two reasons.

*First*, the Supreme Court and this Court have made clear that “evidence of founding-era thinking” is not required. As this Court has explained, “a regulation can be deemed ‘longstanding’ even if it cannot boast a precise founding-era analogue.” *ATF*, 700 F.3d at 196. Thus, in *Heller*, the Supreme Court described “prohibitions on the possession of firearms by felons” as “longstanding prohibitions” that are “presumptively lawful,” 554 U.S. at 626-27 & n.26, even though “states did not start to enact [such laws] until the early 20th century,” *Heller v. District of Columbia*, 670 F.3d 1244, 1253 (D.C. Cir. 2011) (*Heller II*); ~~see also~~ *ATF*, 700 F.3d at 196 (“*Heller* considered firearm possession bans on felons and the mentally ill to be longstanding, yet the current versions of these bans are of mid-20th century vintage.”). Similarly, as this Court observed in *ATF*, the D.C. Circuit in *Heller II* “rel[ie]d on early 20th-century state statutes to show that [a] D.C. handgun registration requirement was ‘longstanding’ and did not ‘impinge upon the right protected by the Second Amendment.’” *ATF*, 700 F.3d at 196 (quoting *Heller II*, 670 F.3d at 1253-54). The district court’s refusal to consider early-20th century laws is at odds with these decisions, which considered laws of the same vintage to be longstanding, presumptively lawful measures.

*Second*, the district court overlooked evidence from the founding era that supports the historical basis for the challenged laws. As this Court has observed, “gun

safety regulation was commonplace in the colonies.” *ATF*, 700 F.3d at 200. Around the time of the founding, there were a variety of gun safety regulations in effect, including “laws keeping track of who in the community had guns” and “laws disarming certain groups and restricting sales to certain groups.” *Id.* The in-state sales requirements protect the efficacy of such longstanding regulations by ensuring that individuals—including criminals and juveniles—cannot avoid the laws of their own state through “the simple expediency of crossing a State line to purchase one.” H.R. Rep. No. 90-1577, at 14; ~~see also~~ S. Rep. No. 90-1097, at 80, 114. The challenged laws plainly “harmonize[] with the historical traditions associated with the Second Amendment guarantee.” *ATF*, 700 F.3d at 194.

**B.□ Even If The Challenged Laws Implicate Second Amendment Rights, They Are Constitutional.**

Even assuming that the challenged laws impinge upon a Second Amendment right, they easily satisfy intermediate scrutiny. The district court erred in applying strict scrutiny, because the in-state sales requirements do not infringe the central right of the Second Amendment and do not impose a substantial burden on Second Amendment rights. The district court also erred in holding that the laws fail intermediate and strict scrutiny.

**1.□Intermediate Scrutiny Is The Proper Standard Of Review.**

This Court has squarely “reject[ed] the contention that every regulation impinging upon the Second Amendment right must trigger strict scrutiny.” *ATF*, 700

F.3d at 198. The appropriate level of scrutiny “depends on the nature of the conduct being regulated and the degree to which the challenged law burdens the right.” *Id.* at 195 (internal quotation marks omitted). Strict scrutiny applies to laws “that burden[] the core of the Second Amendment guarantee.” *Id.* at 205. By contrast, regulations that “do[] not encroach on the core of the Second Amendment” are reviewed under intermediate scrutiny. *Id.* at 195.

The in-state sales requirements do not interfere with “the core of the Second Amendment,” and thus are subject to only intermediate scrutiny. *ATF*, 700 F.3d at 195. As this Court has explained, the “central right” of the Second Amendment is “the right to defend oneself in one’s home,” *id.* at 194—or, stated differently, “the right of law-abiding, responsible citizens to use arms in defense of hearth and home,” *id.* at 205 (quoting *Heller*, 554 U.S. at 635). The district court properly did not suggest that the challenged laws impede the ability of citizens to defend themselves in their own homes. *See National Rifle Ass’n of Am., Inc. v. McCraw*, 719 F.3d 338, 348 (5th Cir. 2013) (applying intermediate scrutiny to Texas laws that prohibit those under 21 from carrying handguns in public, reasoning that the scheme “does not prevent those under 21 from using guns in defense of hearth and home” and “is not a complete ban on handgun use”). The in-state sales requirements do not prohibit the use or carrying of firearms inside (or outside) the home, but only impose a condition on the acquisition of firearms. Individuals remain free to purchase their handgun of choice “in [their] home state, which is presumptively the most convenient place to buy anything.”



*United States v. Decastro*, 682 F.3d 160, 168 (2d Cir. 2012) (upholding constitutionality of 18 U.S.C. § 922(a)(3)). Potential buyers simply must arrange to transfer the firearms to an in-state dealer. *See id.* (“[Section] 922(a)(3) does not bar purchases from an out-of-state supplier if the gun is first transferred to a licensed gun dealer in the purchaser’s home state.”). These requirements “resemble ‘laws imposing conditions and qualifications on the commercial sale of arms,’ which *Heller* deemed ‘presumptively lawful,’ ” and therefore “they must not trigger strict scrutiny.” *ATF*, 700 F.3d at 206 (quoting *Heller*, 554 U.S. at 626-27 & n.26).

In *ATF*, this Court held that intermediate scrutiny “[u]nquestionably” applied to laws restricting the ability to acquire firearms, 700 F.3d at 205, and upheld federal prohibitions on the commercial sale of handguns to persons under the age of 21. *See id.* at 188. The Court reasoned that the restrictions “resemble ‘laws imposing conditions and qualifications on the commercial sale of arms,’ which *Heller* deemed ‘presumptively lawful,’ ” and therefore “they must not trigger strict scrutiny.” *Id.* at 206 (quoting *Heller*, 554 U.S. at 626-27 & n.26). This Court further explained that the laws “do not strike the core of the Second Amendment because they do not prevent 18-to-20-year-olds from possessing and using handguns ‘in defense of hearth and home.’ ” *Id.* (quoting *Heller*, 554 U.S. at 628-30, 635). Although the laws surely made it more difficult for this age range to acquire handguns, the Court concluded that the individuals still “may possess and use handguns for self-defense, hunting, or any other

lawful purpose; they may acquire handguns from responsible parents or guardians and they may possess, use, and purchase long-guns.” *Id.* at 207. “Accordingly,” this Court concluded, “the scheme is sufficiently bounded to avoid strict scrutiny.” *Id.*

The conditions of commercial sale of firearms at issue here only modestly affect an individual’s ability to acquire handguns, and they certainly “do not strike the core of the Second Amendment.” *ATF*, 700 F.3d at 206. Individuals have ample alternative means to acquire a handgun—they simply must complete the transaction through an in-state dealer. *See id.* at 207 (reasoning that 18-to-20-year-olds still may acquire handguns from a parent or guardian). Moreover, the in-state sales requirements prevent no one “from possessing and using handguns ‘in defense of hearth and home,’ ” and individuals still “may possess and use handguns for self-defense, hunting, or any other lawful purpose,” as well as “possess, use, and purchase long-guns.” *Id.* at 206-07 (quoting *Heller*, 554 U.S. at 628-30, 635).

As the Second Circuit held in *DeCastro*, in upholding the constitutionality of the in-state sales requirement in § 922(a)(3), the need to transfer a firearm to one’s home state is not a substantial burden. The court concluded that the statute “only minimally affects the ability to acquire a firearm” and declined to apply “any form of heightened scrutiny.” 682 F.3d at 164. The court explained that the prohibition on transporting out-of-state firearms merely “requir[es] state residents to comply with conditions of sale and similar requirements in their home state.” *Id.* at 168. Purchases from out-of-state suppliers are permitted, so long as “t he gun is first transferred to a licensed gun

dealer in the purchaser's home state." *Id.* "In light of the ample alternative means of acquiring firearms for self-defense purposes," explained the court, "§ 922(a)(3) does not impose a substantial burden on the exercise of Decastro's Second Amendment rights." *Id.* The same reasoning applies here.

Plaintiffs do not argue that the challenged laws actually prevent them from acquiring firearms; they merely complain that the laws result in a transaction fee of \$125 plus shipping costs. *Sae, eg.*, ROA.249 (plaintiffs arguing that "[b]ecause they cannot directly access the national handgun market outside of Washington, D.C., the Hansons face higher costs in purchasing handguns"); ROA.250 (plaintiffs arguing that "the federal interstate handgun transfer ban . . . causes [plaintiffs] to sustain shipping and transfer fees when buying handguns"). This is not the sort of "substantial burden" that warrants strict scrutiny. A federal law that "makes the exercise of one's Second Amendment rights more expensive does not necessarily mean that it 'substantially burdens' that right." *Kwong v. Bloomberg*, 723 F.3d 160, 167-68 (2d Cir. 2013) (holding that a firearms licensing fee of just over \$100 per year is not a substantial burden); *cf. Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 874 (1992) (plurality op.) ("The fact that a law which serves a valid purpose, one not designed to strike at the right itself, has the incidental effect of making it more difficult or more expensive to procure an abortion cannot be enough to invalidate it.").

The district court incorrectly suggested that strict scrutiny is appropriate whenever challenged laws affect "law-abiding, responsible citizens." ROA.477-78,

GRE26-27. Under that reasoning, all laws applicable to the general population would be subject to strict scrutiny, including licensing laws and restrictions on where firearms may be carried or used. Such an approach cannot be reconciled with *Heller*, which described as “presumptively lawful” generally applicable laws such as prohibitions on “the carrying of firearms in sensitive places such as schools and government buildings.” 554 U.S. at 626-27 & n.26.

The circumstances here bear no resemblance to those in *Carey v. Population Services International*, 431 U.S. 678 (1977), in which the Court struck down a New York law that limited the distribution of non-prescription contraceptives to licensed pharmacists who constituted “a small fraction of the total number of possible retail outlets,” *id.* at 689, thereby eliminating some of the most convenient and private retail outlets for purchasing contraceptives, *see id.* (explaining that the law “reduce[d] the opportunity for privacy of selection and purchase”); *id.* at 689 n.7 (noting the limitation on “the number of regularly available, easily accessible retail outlets”). Here, by contrast, any burden on Second Amendment rights is insubstantial because individuals may purchase a handgun from any dealer in their state of residence, “which is presumptively the most convenient place to buy anything.” *DeCastro*, 682 F.3d at 168. The Court in *Carey* emphasized that the regulation was not related to the State’s interest in protecting health. 431 U.S. at 689-90; *see also id.* at 689 (finding particularly relevant *Doe v. Bolton*, 410 U.S. 179 (1973), in which the Court struck down “a statute requiring that abortions be performed only in accredited hospitals, in the

absence of proof that the requirement was substantially related to the State's interest in protecting the patient's health"). Here, for the reasons already indicated and those discussed below, the challenged provision is plainly "substantially related," *id.* at 689, to the government's interests in preventing crime and ensuring the effectiveness of state and local firearms regulations.

## **2. The In-State Sales Requirements Satisfy Intermediate Scrutiny.**

When applying intermediate scrutiny, this Court asks "whether there is a reasonable fit between the law and an important government objective." *A TF*, 700 F.3d at 207. In other words, "the government must show that the law is reasonably adapted to an important government interest." *Id.* The in-state sales requirements easily satisfy this standard, because they are reasonably adapted to the important government interests of preventing crime and ensuring the effectiveness of state and local firearms regulations.

a. The government unquestionably has an important interest in protecting the community from crime. *See Schall v. Martin*, 467 U.S. 253, 264 (1984) ("The legitimate and compelling state interest in protecting the community from crime cannot be doubted.") (internal quotation marks omitted); *A TF*, 700 F.3d at 209 (recognizing the importance of "curbing violent crime"). As the district court recognized, "preventing handgun crime is a compelling interest." ROA.479, GRE28. The in-state sales requirements are key provisions of the Omnibus Crime Control Act and the Gun Control Act, which responded to the problem of "the rise in lawlessness and violent

crime in the United States,” S. Rep. No. 89-1866, at 3—and, specifically, to “[t]he problem of firearms misuse in crimes of violence,” S. Rep. No. 90-1097, at 76; ~~see also~~ *Huddleston v. United States*, 415 U.S. 814, 824 (1974) (“The principal purpose of the [1968] federal gun control legislation, therefore, was to curb crime by keeping firearms out of the hands of those not legally entitled to possess them because of age, criminal background, or incompetency.”) (internal quotation marks omitted).

Ensuring the effectiveness of state and local laws aimed at crime prevention is likewise an important government interest. *Cf. United States v. Biswell*, 406 U.S. 311, 315 (1972) (“[S]crutiny of [interstate firearms] traffic is undeniably of central importance to federal efforts to prevent violent crime and to assist the States in regulating the firearms traffic within their borders.”). Congress recognized that “existing Federal controls over [firearms] traffic do not adequately enable the States to control this traffic within their own borders through the exercise of their police power.” Omnibus Crime Control Act § 901(a)(1), 82 Stat. at 225. It thus sought to strengthen the ability of states and localities to effectively regulate firearms within their jurisdictions. *See id.* § 901(a)(3), 82 Stat. at 225 (“[O]nly through adequate Federal control over interstate and foreign commerce in these weapons . . . can this grave problem be properly dealt with, and effective State and local regulation of this traffic be made possible.”); H.R. Rep. No. 90-1577, at 6 (1968) (stating that the “principal purpose” of the Gun Control Act was “to strengthen Federal controls over

interstate and foreign commerce in firearms and to assist the States effectively to regulate firearms traffic within their borders”).

b. The in-state sales requirements directly advance the government’s interests in preventing crime and ensuring the effectiveness of state and local firearms regulations. After extensive investigation into firearms crime, Congress concluded that out-of-state handgun sales undermine state and local firearms laws and significantly contribute to crime. See Omnibus Crime Control Act § 901(a)(5), 82 Stat. at 225 (“[T]he sale or other disposition of concealable weapons . . . to nonresidents . . . has tended to make ineffective the laws, regulations, and ordinances in the several States and local jurisdictions . . . .”); S. Rep. No. 90-1097, at 80 (“[T]he purchase of [handguns] by persons in other than their residence State is a serious contributing factor to crime.”). Before 1968, there was a “serious problem of individuals going across State lines to procure firearms which they could not lawfully obtain or possess in their own State and without the knowledge of their local authorities.” S. Rep. No. 89-1866, at 19. These individuals included “large numbers of criminals and juveniles” who sought “to circumvent the laws of their respective jurisdictions.” S. Rep. No. 90-1097, at 80. For example, many individuals with criminal records in the District of Columbia purchased handguns in a nearby Maryland county with “minimal” sales regulations. S. Rep. No. 89-1866, at 61. An overwhelming 87 percent of crime guns in Massachusetts were purchased out of state, thereby avoiding the Commonwealth’s “stringent controls [on] the sale of firearms

and primarily handguns.” S. Rep. No. 90-1097, at 77. In Michigan, 90 percent of crime guns confiscated in Detroit were “not purchased and registered in Michigan,” and “the prime source of these crime guns [wa]s by purchases [in] neighboring Ohio, where controls on firearms [we]re minimal.” *Id.*

In response to the problem of out-of-state handgun sales, Congress enacted the in-state sales requirements, which were “designed to prevent the avoidance of State and local laws controlling firearms by the simple expediency of crossing a State line to purchase one.” H.R. Rep. No. 90-1577, at 14 (discussing 18 U.S.C. § 922(b)(3)); *see also* S. Rep. No. 90-1097, at 114 (same). These requirements ensure that handgun sales are finalized in a prospective purchaser’s state of residence, thereby allowing the state to ensure enforcement of its own laws regarding the purchase and possession of handguns. These federal requirements are reasonably related to the government’s important interest in protecting against crime and ensuring the effectiveness of state and local firearms regulations, because the government’s interests “would be achieved less effectively absent [these laws].” *Ward v. Rock Against Racism*, 491 U.S. 781, 799 (1989) (internal quotation marks omitted) (applying intermediate scrutiny in First Amendment context).

Moreover, the “means chosen are not substantially broader than necessary to achieve” this important government interest. *Ward*, 491 U.S. at 800. The in-state sales requirements do not regulate the possession or use of a gun, but instead regulate the *sale* of out-of-state handguns. The restrictions continue to allow individuals to



purchase their firearm of choice; a buyer simply must arrange to transfer the firearm to an in-state dealer. Furthermore, the restrictions include an exception for the temporary loan or rental of firearms for lawful sporting purposes. 18 U.S.C. § 922(b)(3)(B).

In addition, the challenged laws do not “indiscriminately [restrict] the acquisition of all types of firearms,” but instead target the handgun, which Congress found is “the most formidable and most frequently used tool of the criminal.” S. Rep. No. 89-1866, at 4. “[I]n seeking to reduce the criminal use of firearms,” Congress explained, “the legislation should especially concern itself with the particular type of weapon that is predominantly used by the criminal.” *Id.* The “size, weight, and compactness” of the handgun “make it easy to carry, to conceal, to dispose of, or to transport.” *Id.* “All these factors,” Congress found, “make it the weapon susceptible to criminal use.” *Id.* Congress explained that the dangerousness of the handgun is underscored by the existence of many state laws controlling the handgun, as well as statistics “showing its dominance as the weapon used in unlawful activities.” *Id.* For example, statistics showed that handguns were used in 70 percent of murders committed with firearms, *id.* at 5, and in 78 percent of the firearm-related homicides of police officers killed in the line of duty, ~~see~~ *Federal Firearms Act: Hearings Before the Subcomm. to Investigate Juvenile Delinquency of the S. Comm. on the Judiciary*, 90th Cong. 873

(1967).<sup>8</sup> Congress thus concluded that “concealable weapons” presented a particular challenge for state and local law enforcement authorities. Omnibus Crime Control Act § 901(a)(2), (4), (5), (6), 82 Stat. at 225.

Today, handguns continue to pose a disproportionate threat to public safety. According to FBI homicide statistics, handguns were the weapon involved in at least 70 percent of firearm homicides from 2009 to 2013. See Crim. Justice Info. Servs. Div., FBI, *Crime in the United States 2013: Expanded Homicide Data*, tbl. 8.<sup>9</sup> And handguns were used in 73 percent of firearm-related felony homicides of law enforcement officers killed in the line of duty from 2004 to 2013. See Crim. Justice Info. Servs. Div., FBI, *2013 Law Enforcement Officers Killed and Assaulted*, tbl. 27.<sup>10</sup>

c. The district court’s application of intermediate and strict scrutiny turned largely on its assumption that less restrictive means are available to achieve the government’s interests. But under intermediate scrutiny, the law at issue “must merely be reasonably adapted to its [important] objective.” *McCraw*, 719 F.3d at 349.

<sup>8</sup> Available at [http://congressional.proquest.com/congressional/result/pqpresultpage.gispdfhitspanel.pdfink/http%3A\\$2f\\$2fprod.cosmos.dc4.bowker-dmz.com\\$2fapp-bin\\$2fgis-hearing\\$2fb\\$2f9\\$2fc\\$2fc\\$2fhrg-1967-sjs-0031\\_from\\_1\\_to\\_1190.pdf/entitlementkeys=1234%7Capp-gis%7Chearing%7Chrg-1967-sjs-0031](http://congressional.proquest.com/congressional/result/pqpresultpage.gispdfhitspanel.pdfink/http%3A$2f$2fprod.cosmos.dc4.bowker-dmz.com$2fapp-bin$2fgis-hearing$2fb$2f9$2fc$2fc$2fhrg-1967-sjs-0031_from_1_to_1190.pdf/entitlementkeys=1234%7Capp-gis%7Chearing%7Chrg-1967-sjs-0031) (last visited July 9, 2015).

<sup>9</sup> Available at [https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/offenses-known-to-law-enforcement/expanded-homicide/expanded\\_homicide\\_data\\_table\\_8\\_murder\\_victims\\_by\\_weapon\\_2009-2013.xls](https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013/offenses-known-to-law-enforcement/expanded-homicide/expanded_homicide_data_table_8_murder_victims_by_weapon_2009-2013.xls) (last visited July 9, 2015).

<sup>10</sup> Available at [https://www.fbi.gov/about-us/cjis/ucr/leoka/2013/tables/table 27 leos fk type of weapon 2004-2013.xls](https://www.fbi.gov/about-us/cjis/ucr/leoka/2013/tables/table%2027%20leok%20fk%20type%20of%20weapon%202004-2013.xls) (last visited July 9, 2015).

The government “need not employ the least restrictive means to achieve its goal.” *Id.* In any event, as discussed below, the district court’s other suggested means would not effectively achieve the government’s goals, and thus would not even suffice to invalidate the laws under strict scrutiny. *Sae Williams-Yulee v. Florida Bar*, 135 S. Ct. 1656, 1671-72 (2015) (holding that state judicial-conduct rule survives strict scrutiny in First Amendment context where less restrictive means would be unworkable, and noting that laws need only be “narrowly tailored, not . . . perfectly tailored”) (internal quotation marks omitted).

The district court questioned whether the in-state sales requirements are still “necessary” in light of the development of the National Instant Criminal Background Check System (the “federal background check system”), ROA.482-83 & n.10, GRE31-32—an issue that was barely mentioned in plaintiffs’ briefing below, ~~sae~~ ROA.275, ROA.441. The court’s skepticism was based on the false assumption that the federal background check system ensures full compliance with state and federal law. *Sae, eg.*, ROA.482, GRE31 (“Current law . . . ensures potential purchasers can legally acquire and possess a firearm under state and federal law.”).

But many state firearms requirements are neither included in, nor verified by, the federal background check system. The federal system reveals only whether federal or state law prohibits an individual from receiving or possessing a firearm. 18 U.S.C. § 922(t)(2). States may impose additional requirements for purchasing or possessing a firearm, such as training and special permits for purchasers or residents in that state.

GAO Firearms Identification Report 1-2. The federal background check system is unable to determine whether a prospective purchaser satisfies these requirements. *Sae* Operations Report 1-2 (describing data included in each federal database). Nor does the federal background check system provide information regarding the legality of a particular type of firearm in a given state. *Sae id.* States also may require additional procedures and mandatory waiting periods before a transaction may occur. GAO Firearms Identification Report 1-2. The individual dealer is responsible for ensuring that all of these requirements are satisfied. Requiring a handgun to be purchased in the buyer's state of residence allows states to police dealers' compliance with a host of state regulations.

Moreover, the federal background check system reveals disqualifying information only "to the extent automated records are available." *Sae* GAO Testimony 5; *sae also* Presidential Memorandum, *Improving Availability of Relevant Executive Branch Records to the National Instant Criminal Background Check System*, 78 Fed. Reg. 4297, 4297 (Jan. 16, 2013) ("The ability of the [federal background check system] to determine quickly and effectively whether an individual is prohibited from possessing or receiving a firearm depends on the completeness and accuracy of the information made available to it by Federal, State, and tribal authorities."). The system may not include all information that is available in the prospective purchaser's home state. *Sae* FBI Statement; GAO Testimony 5-6. Some states have "additional databases or records available within their state, which cannot be accessed by or

shared with other states or the FBI” for a variety of reasons. GAO Testimony 7. For example, states may face logistical and budgetary constraints in submitting information, and they may have privacy laws that prevent sharing of certain records. See FBI Statement. Therefore, “[i]nformation about a person’s contacts with law enforcement, mental health status, alcohol and drug use, and domestic violence history is simply more likely to be found in the jurisdiction where that person resides.” *Peterson v. LaCabe*, 783 F. Supp. 2d 1167, 1175 (D. Colo. 2011), *aff’d sub nom. Peterson v. Martinez*, 707 F.3d 1197 (10th Cir. 2013). Particularly when a purchaser lives in a Point of Contact state, which conducts its own search of state records, the in-state sales requirements ensure that a background check examines all available state and local records in the purchaser’s home state, where such records are most likely to exist.

The district court erroneously assumed that it would be feasible and effective for out-of-state dealers to research the handgun laws of a buyer’s home state and ensure that the sale complies with the home state’s laws. As an initial matter, if the district court’s decision were upheld, there would be no federal requirement that handgun sales comply with the laws of the purchaser’s state of residence; section 922(b)(3), which was invalidated by the district court, imposes this requirement with respect to long guns only. 18 U.S.C. § 922(b)(3)(A). Even assuming the existence of such a requirement for handguns, it is unrealistic to expect dealers to research and correctly apply the various laws of 49 states, the District of Columbia,

and U.S. territories—including the frequent amendments to those laws—in addition to their own state firearms regulations. The district court noted that dealers have been responsible for “verify[ing] and conform[ing] to numerous state firearms laws for rifles and shotguns,” ROA.484 n.12, GRE33, but handgun regulations are far more extensive and varied than long gun laws. For example, several states require a mandatory waiting period for the purchase of handguns, but not for long guns, *see, e.g.*, Fla. Const. art. I, § 8(b); Fla. Stat. § 790.0655(1); Md. Code Ann., Pub. Safety § 5-123;<sup>11</sup> Wis. Stat. § 175.35(2)(d). Additionally, ~~several~~ jurisdictions limit the number of handgun purchases to one per month, but impose no such restriction on the purchase of long guns. *See, e.g.* Cal. Penal Code §§ 27535, 27540(f); Md. Code Ann., Pub. Safety §§ 5-128(a), (b), 5-129; N.J. Stat. Ann. §§ 2C:58-2(a)(7), 2C:58-3(i), 2C:58-3.4. Ensuring compliance with such laws is critical, particularly in light of the “dominance” of the handgun as “the weapon used in unlawful activities,” S. Rep. No. 89-1866, at 4.

\* \* \*

In sum, the in-state sales requirements do not burden a core Second Amendment right, but rather are “presumptively lawful” “conditions . . . on the commercial sale of arms.” *Heller*, 554 U.S. at 626-27 & n.26. Even assuming that these requirements fall within the scope of the Second Amendment, they easily satisfy

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<sup>11</sup> The Maryland waiting period applies to the transfer of “regulated firearms,” which are defined as handguns and assault weapons, Md. Code Ann., Pub. Safety § 5-101, but the transfer of assault weapons is generally banned, Md. Code Ann., Crim. Law § 4-303.

intermediate scrutiny, because they are reasonably adapted to the government's important interests in preventing crime and ensuring the effectiveness of state and local firearms regulations. The requirements are constitutional, both facially and as applied to the plaintiffs in this case.

## II. THE CHALLENGED LAWS ARE CONSISTENT WITH THE RIGHT TO EQUAL PROTECTION OF THE LAWS UNDER THE FIFTH AMENDMENT.

The district court erred in holding that the in-state sales requirements violate the equal protection component of the Fifth Amendment. ROA.490, GRE39; ~~see also~~ *Bolling v. Sharpe*, 347 U.S. 497, 499 (1954). To establish an equal protection claim, a plaintiff “must show that two or more classifications of similarly situated persons [are] treated differently.” *Gallegos-Hernandez v. United States*, 688 F.3d 190, 195 (5th Cir. 2012). “Once this element is established, the court must then determine the appropriate level of scrutiny.” *Id.* Strict scrutiny applies “only when the classification impermissibly interferes with the exercise of a fundamental right or operates to the peculiar advantage of a suspect class.” *ATF*, 700 F.3d at 211 (quoting *Massachusetts Bd. of Ret. v. Murgia*, 427 U.S. 307, 312 (1976)). Otherwise, courts ask only whether the “classification in question is rationally related to a legitimate state interest.” *Id.* at 212 (quoting *Kimel v. Florida Bd. of Regents*, 528 U.S. 62, 83 (2000)); *McCraw*, 719 F.3d at 350. The district court erroneously assumed that the in-state sales requirements discriminate between similarly situated individuals. In addition, the district court should have applied rational-basis review, rather than strict scrutiny, because the

restrictions do not impermissibly interfere with a fundamental right or implicate a suspect class.

Plaintiffs claim that the in-state sales requirements discriminate against handgun purchasers based on their residence. *See* ROA.455, GRE49 (alleging that the challenged laws “ban the sale and keeping of handguns to otherwise qualified individuals solely on account of their residence, while allowing other equally-qualified individuals to purchase and keep the same handguns”). But as an initial matter, the federal requirements do not discriminate based on residency at all. Any differential treatment between residents and non-residents of a particular state is the product of state, rather than federal law; all individuals are treated the same with respect to federal law. A resident of any state can purchase from an in-state firearms dealer or order a firearm to be transferred to an in-state firearms dealer.

Even accepting plaintiffs’ characterization of the law, however, prospective handgun purchasers who reside in one state are not similarly situated to those who reside in a different state. *See National Fed’n of the Blind of Tex., Inc. v. Abbott*, 647 F.3d 202, 215 (5th Cir. 2011) (“[Equal protection] does not require classes of people different in fact or opinion to be treated in law as though they were the same.”) (internal quotation marks omitted). Different laws govern the purchase, use, and possession of handguns in each state, and it cannot be presumed that out-of-state dealers will accurately interpret the complex laws of other states where buyers reside. *See supra* pp. 36-37. In addition, states ~~grant~~ <sup>provide</sup> access to information regarding



their own residents, and this information is highly relevant to determining whether an individual is eligible to purchase a handgun. *See Peterson*, 783 F. Supp. 2d at 1178 (rejecting plaintiff's equal-protection challenge to residency requirement for a concealed weapons permit because "residents and non-residents are not similarly situated in terms of the state's ability to obtain information about and monitor the potential licensee's eligibility for a concealed weapons permit"); *see also supra* pp. 35-36. In this highly regulated context, residents and non-residents of any given state are not similarly situated.

Even assuming that residents and non-residents are similarly situated, however, the challenged laws would be subject only to rational-basis review. As discussed above, the restrictions "do not impermissibly interfere with Second Amendment rights," and thus do not "interfere[] with the exercise of a fundamental right." *ATF*, 700 F.3d at 211-12 (rejecting equal protection challenge to federal prohibition on the sale of handguns to persons under the age of 21); *see also McCraw*, 719 F.3d at 350 (rejecting equal protection challenge to Texas laws prohibiting 18- to 20-year-olds from carrying handguns in public).

Nor do the residency restrictions draw classifications based on a suspect class. The district court erred in concluding that all residency-based distinctions are inherently suspect, ROA.489-90, GRE38-39, even though plaintiffs explicitly declared that they "do not contend that non-state residents constitute a suspect class for purposes of equal protection analysis," ROA.276; *see, e.g., Martinez v. Bynum*, 461 U.S.

321, 328 n.7 (1983) (“A bona fide residence requirement implicates no ‘suspect’ classification, and therefore is not subject to strict scrutiny.”). In the cases cited by the district court, residency-based distinctions were subject to strict scrutiny only because they interfered with the “right to migrate” to and settle in a state. *Attorney General of New York v. Soto-Lopez*, 476 U.S. 898, 911 (1986); *Memorial Hosp. v. Maricopa Cnty.*, 415 U.S. 250, 261-62 (1974). No such right is at issue in this case. The in-state sales requirements simply require individuals to purchase handguns in their state of residence, wherever that state may be.

Under rational-basis review, legislation is constitutional “unless the varying treatment of different groups or persons is so unrelated to the achievement of any combination of legitimate purposes that [a court] can only conclude that the government’s actions were irrational.” *ATF*, 700 F.3d at 212 (quoting *Kimel*, 528 U.S. at 84). Here, as discussed above, the in-state sales requirements are directly related to the government’s important goals of crime prevention and ensuring the effectiveness of state and local firearms laws. *See supra* pp. 28-37. It follows that the requirements “are rationally related to . . . legitimate state interest[s].” *ATF*, 700 F.3d at 212 (concluding that federal age restrictions survive rational-basis review “[f]or the same reasons that the challenged laws are reasonably adapted to an important state interest”). This Court should reverse the district court’s decision that the in-state sales requirements violate the Fifth Amendment.

## CONCLUSION

For the foregoing reasons, the district court's order granting summary judgment to plaintiffs and denying summary judgment to the government should be reversed.

Respectfully submitted,

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General*

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*Acting United States Attorney*

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JULY 2015

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 13, 2015, I filed the foregoing Brief by causing a digital version to be filed electronically via the ECF system. The participants in the case are registered CM/ECF users, and service will be accomplished by the appellate CM/ECF system.

**/s/ Tara S. Morrissey**

Tara S. Morrissey

Tara.S.Morrissey@usdoj.gov

Counsel for Appellants

## CERTIFICATE OF COMPLIANCE

Pursuant to Rule 32(a)(7)(C) of the Federal Rules of Appellate Procedure, I hereby certify that the foregoing brief was prepared using Microsoft Word 2010 and complies with the type and volume limitations set forth in Rule 32 of the Federal Rules of Appellate Procedure. I further certify that the font used is 14 point Garamond, for text and footnotes, and that the computerized word count for the foregoing brief (excluding exempt material) is 10,093.

I further certify that 1) all required privacy redactions have been made; 2) the electronic submission is an exact copy of the paper copy; and 3) the document is free from viruses and has been scanned by Microsoft Forefront Endpoint Protection, version 1.201.1583.0.

**/s/ Tara S. Morrissey**  
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Counsel for Appellants

## **ADDENDUM**

**ADDENDUM CONTENTS**

18 U.S.C. § 922(a)(3) ..... ADD1

18 U.S.C. § 922(b)(3) ..... ADD1

27 C.F.R. § 478.99(a) ..... ADD2

## 18 U.S.C. § 922 – Unlawful Acts

(a) It shall be unlawful—

\* \* \* \*

(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides (or if the person is a corporation or other business entity, the State where it maintains a place of business) any firearm purchased or otherwise obtained by such person outside that State, except that this paragraph (A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State, (B) shall not apply to the transportation or receipt of a firearm obtained in conformity with subsection (b)(3) of this section, and (C) shall not apply to the transportation of any firearm acquired in any State prior to the effective date of this chapter;

\* \* \* \*

(b) It shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver—

\* \* \* \*

(3) any firearm to any person who the licensee knows or has reasonable cause to believe does not reside in (or if the person is a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business is located, except that this paragraph (A) shall not apply to the sale or delivery of any rifle or shotgun to a resident of a State other than a State in which the licensee's place of business is located if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States (and any licensed manufacturer, importer or dealer shall be presumed, for purposes of this subparagraph, in the absence of evidence to the contrary, to have had actual knowledge of the State laws and published ordinances of both States), and (B) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

\* \* \* \*

ADD-1



**27 C.F.R. § 478.99 – Certain prohibited sales or deliveries.**

(a) *Interstate sales or deliveries.* A licensed importer, licensed manufacturer, licensed dealer, or licensed collector shall not sell or deliver any firearm to any person not licensed under this part and who the licensee knows or has reasonable cause to believe does not reside in (or if a corporation or other business entity, does not maintain a place of business in) the State in which the licensee's place of business or activity is located: *Provided*, That the foregoing provisions of this paragraph (1) shall not apply to the sale or delivery of a rifle or shotgun (curio or relic, in the case of a licensed collector) to a resident of a State other than the State in which the licensee's place of business or collection premises is located if the requirements of § 478.96(c) are fully met, and (2) shall not apply to the loan or rental of a firearm to any person for temporary use for lawful sporting purposes (see § 478.97).

\* \* \* \*

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Bennett, Tate  
**Sent:** Wed 3/29/2017 7:57:55 PM  
**Subject:** RE: Meeting

Can you send an outlook invite?

**From:** Bangerter, Layne  
**Sent:** Wednesday, March 29, 2017 3:44 PM  
**To:** Bennett, Tate <Bennett.Tate@epa.gov>  
**Subject:** Re: Meeting

Friday morning at 11:30 here so after our breakfast.

Sent from my iPhone

On Mar 29, 2017, at 3:05 PM, Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)> wrote:

Go ahead and set it up for next week. Can do Tues-Fri.

**From:** Bangerter, Layne  
**Sent:** Wednesday, March 29, 2017 2:55 PM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>  
**Subject:** FW: Meeting

Hey Tate: We ought to give Bill a courtesy call sometime soon. He is eager to visit.

Thanks!

Layne

**From:** McGrath, William [<mailto:William.McGrath@mail.house.gov>]

**Sent:** Tuesday, March 28, 2017 5:53 PM  
**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** Meeting

Layne,

Hope things are going well. I know you mentioned Tate had started over there. Do you think you could set up a sitdown for us with her soon? Thanks,

Bill

**Bill McGrath**

**Staff Director**

**Subcommittee on Interior, Energy and Environment**

**House Committee on Oversight and Gov't Reform**

**Phone: (202) 225-6534**

**Email: [William.McGrath@mail.house.gov](mailto:William.McGrath@mail.house.gov)**

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Penman, Crystal  
**Sent:** Fri 2/10/2017 5:13:57 PM  
**Subject:** RE: Lead and Copper Rule

This sound good. If you like to have a general conversation for 15minutes, Mike is available now. If not, we can schedule something next week or next.

---

**From:** Bangerter, Layne  
**Sent:** Friday, February 10, 2017 12:11 PM  
**To:** Penman, Crystal <Penman.Crystal@epa.gov>  
**Subject:** RE: Lead and Copper Rule

Let's book them all, but move WIFIA to 10AM if possible, then standby for any adjustments. Sound good? I can come up and meet with Mike right now, but I don't have anything in particular.

---

**From:** Penman, Crystal  
**Sent:** Friday, February 10, 2017 11:41 AM  
**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** RE: Lead and Copper Rule

I understand with the new Administrator coming aboard next week things may get quite busy.

I can follow your lead next week as to your availability as these meeting were specifically designed for you: Water

Infrastructure/WIFIA 2/14 @ 9a

Stream Protection Rule 2/15 @ 9:30am

Lead and Copper Rule 2/15 @ 11am

Bristol Bay 2/16 @ 1pm

Also, Mike is available to meet with you today if you are available if not, should we wait on this until next week or after? Please advise.

---

**From:** Bangerter, Layne  
**Sent:** Friday, February 10, 2017 10:56 AM  
**To:** Penman, Crystal <[Penman.Crystal@epa.gov](mailto:Penman.Crystal@epa.gov)>  
**Cc:** Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>  
**Subject:** RE: Lead and Copper Rule

I need to visit with Mike also. My schedule is fluid next week pending activities involving whether the new Administrator comes aboard, is sworn-in, etc...We can schedule it for the 15<sup>th</sup>, but I would hate to miss, or cancel if we have a conflict, which I expect. Advice?

---

**From:** Penman, Crystal  
**Sent:** Friday, February 10, 2017 9:57 AM  
**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** RE: Lead and Copper Rule

Not a problem. I see your calendar shows availability for February 15 @ 11am. Would that time work for you?

---

**From:** Bangerter, Layne  
**Sent:** Friday, February 10, 2017 9:50 AM  
**To:** Penman, Crystal <[Penman.Crystal@epa.gov](mailto:Penman.Crystal@epa.gov)>  
**Subject:** RE: Lead and Copper Rule

W  
I have another conflict.

---

**From:** Penman, Crystal  
**Sent:** Friday, February 10, 2017 9:00 AM  
**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** Lead and Copper Rule

Good Morning, Mr. Bangerter, Just confirming your attendance to the meeting below. If you are unable to attend, please advise and I will reschedule.

-----  
**Subject:** Lead and Copper Rule  
**Location:** 3233 WJCE

**Start:** Mon 2/13/2017 11:00 AM

**End:** Mon 2/13/2017 12:00 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Organizer:** Shapiro, Mike

**Required Attendees:** Best-Wong, Benita; Bangerter, Layne; Grevatt, Peter; Mclain, Jennifer;  
Burneson, Eric; Christ, Lisa; Gonzalez, Yvonne V.; Campbell, Ann; Wehling,  
Carrie; Darman, Leslie

**Optional Attendees:** Neugeboren, Steven

**Categories:** Purple Category

MS

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Clark, Jim  
**Sent:** Thur 1/26/2017 7:48:58 PM  
**Subject:** Re: Welcome

No

I just liked Ms McCabe idea of each of the members of the beachhead team.

Jim

Sent from my iPhone

On Jan 26, 2017, at 2:31 PM, Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)> wrote:

Thanks Jim. Do I know you?

**From:** Clark, Jim  
**Sent:** Thursday, January 26, 2017 12:54 PM  
**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** Welcome

Mr. Bangerter.

Welcome to EPA.

Jim Clark

**James M. Clark, Regional Acquisition Manager**

**Environmental Protection Agency, Region III, 3PM10**

1650 Arch Street, Philadelphia, PA 19103

215-814-5198

**From:** MassMailer  
**Sent:** Monday, January 23, 2017 4:46 PM  
**To:** MassMailer <[massmailer@epa.gov](mailto:massmailer@epa.gov)>  
**Subject:** Message from the Acting Administrator

<image001.jpg>

Today we welcome to EPA members of President Trump's beachhead team. Acting Deputy Administrator Mike Flynn and I will work closely with them as they transition into the Agency.

A message from Senior White House Advisor Don Benton and White House Liaison Charles Munoz:

"As the leaders for the new Administration on EPA transition, we would like to say thank you for the warm reception that we have received. We are looking forward to working with the career professionals at the EPA to make this transition work as well as possible, and to carry out the Agency's mission to protect public health and the environment. We know and understand the incredible knowledge level and commitment of the people who work here. We will be asking you for help. We are committed to working with you. While transitions are always hard, straight forward honest communication combined with respect for each other will make the process work much better."

Listed below are the names and short bios of those currently serving on the transition team.

Layne Bangerter

- Layne is an Idaho native who most recently worked with Sen. Crapo. He brings a wealth of experience in the natural resources world related to farming and ranching.

Don Benton, Senior White House Advisor

- Don is from Washington State and served in the State Senate there for 20 years. Don



has a long and accomplished history in the private sector in addition to his service as the head of a large county environmental office in Washington.

#### Patrick Davis

- Patrick is a nationally recognized political consultant and strategist. Since 1992, he has advised candidates for President, Governor, U.S. Senate, Congress, and state/local offices. Patrick is an organizational, strategic, and communications consultant to corporations, issue committees, and non-profits.

#### Doug Ericksen, Communications Director

- Doug is a Washington State native and a current member of the Washington State Senate. Senator Ericksen has extensive background in energy and environmental policy. He holds a B.A. in Government from Cornell University and a M.A. in Environmental Policy.

#### Holly Greaves, Budget Issues

- Holly has a long background in government accounting and Federal financial management. Ms. Greaves previously worked as a senior manager with KPMG and with the public accounting firm EY. She is a licensed CPA, CISA, and CGFM.

#### David Kreutzer

- David finished nine years with the Heritage Foundation as Senior Research Fellow in Energy, Economics, and Climate Change. David taught economics at Ohio University for three years and at James Madison University for 22 years. His academic research has been published in numerous professional publications.

#### Charles Munoz, White House Liaison

- Charles comes to the EPA from Nevada, where he served in key capacities for Americans for Prosperity. For the last two years, Charles served The Donald J. Trump campaign in several high level positions.

#### David Schnare, Esq., Ph.D

- Dr. Schnare is an attorney and environmental scientist returning to EPA after a 41 year career in the field of environmental science, with 33 of those years at EPA. Most recently, Dr. Schnare has been associated with the Free-Market Environmental Law Clinic, The Energy and

Environment Legal Institute and the Center for Environmental Stewardship at the Thomas Jefferson Institute for Public Policy.

Justin Schwab, Legal Advisor

- Justin is an environmental and regulatory lawyer currently practicing in the Washington, D.C., area. Justin will be serving as legal advisor on several fronts including environmental health and safety, in addition to other key areas of implementing EPA's core mission.

George Sugiyama

- George brings over 30 years of EPA experience with him to the transition team. George will be serving as a senior advisor to the team.

Please join me in welcoming our new colleagues to EPA.

Catherine McCabe

Acting Administrator

**To:** EPA-DynamicMassMailer[EPA-DynamicMassMailer@epa.gov]  
**From:** OEI-MassMailer-Mailbox  
**Sent:** Thur 9/28/2017 5:29:31 PM  
**Subject:** CYBERSECURITY ALERT!!! Ransomware "Invoice Scam"



## **ACTIVE RANSOMWARE CAMPAIGN: "Invoice Scam"**

### **What You Should Know**

An active ransomware campaign has been discovered within EPA's network. A malicious email was sent to multiple users asking that they open an attached file, which in most cases appeared to be an invoice. If the file is opened, ransomware will be installed onto the user's system. OEI is working actively to block these emails and prevent infections; however, there are several variations of the malicious email, making it difficult to detect and block all instances. Despite the variations, there are some common characteristics that all users should be aware of. These include:

- Email Body – body of email is usually just one or two lines (ex. Please find Invoice PIS8069561 attached)
- Attachment Name – a variation of random letters and numbers (ex. PIS8069561)
- Attachment File Extension – appears to be a zip file and may have the extension .7z
- Sender – exact sender email/name varies, but will often include some reference to a "noreplymailbox"

As a reminder, ransomware is a type of malicious software that infects and restricts access to a computer or files until a ransom is paid. Although there are other methods of delivery, this type of malware is frequently delivered through phishing or social engineering emails, and often exploits unpatched vulnerabilities in software or operating systems.

### **What All Users Should Do**

- If you receive a message that fits the description above
  - Do NOT download or click on the attachment.
  - Delete the email

- Scrutinize all other unsolicited emails for signs that they may not be from the stated source, particularly if the emails include attachments or links.

### **What System/Business/Information Owners, System Administrators and Security Staff Should Do**

- Ensure that your applications and operating systems have been patched with the latest updates.
- Install and maintain anti-virus software, firewalls, and email filters to reduce suspicious traffic.
- Ensure that a sound data backup strategy has been implemented, which includes:
  - Offline backups, as ransomware often also infects online backups
  - Testing backups to ensure the integrity and recoverability of your data.

### **Contact**

If you suspect you are the victim of malware, ransomware or a phishing attack contact the EPA Call Center immediately at [epacallcenter@epa.gov](mailto:epacallcenter@epa.gov) or 1-866-411-4-EPA (4372). Press 1 for Security.

If you have any questions regarding this alert, please contact CSIRC at [CSIRC@epa.gov](mailto:CSIRC@epa.gov).

**To:** Bowles, Jack[Bowles.Jack@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Wed 3/29/2017 7:51:54 PM  
**Subject:** FW: LCR & Federalism

fyi

**From:** Hanson, Andrew  
**Sent:** Wednesday, March 29, 2017 3:38 PM  
**To:** Evalenko, Sandy <Evalenko.Sandy@epa.gov>  
**Cc:** Gude, Karen <Gude.Karen@epa.gov>; Farber, Glenn <Farber.Glenn@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>  
**Subject:** RE: LCR & Federalism

**Deliberative Process Privilege/Ex. 5**

**From:** Evalenko, Sandy  
**Sent:** Wednesday, March 29, 2017 3:24 PM  
**To:** Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>  
**Cc:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Subject:** Re: LCR

**Deliberative Process Privilege/Ex. 5**

Also, Karen is now the OW Tribal coordinator.

Sandy

Sent from my iPhone

On Mar 29, 2017, at 3:15 PM, Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)> wrote:

Hi Guys –

Can either of you provide a quick update on the LCR? (milestones, target NPRM date, etc)

Thank you!

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Actadmmccabe, Catherine17[Actadmmccabe.catherine17@epa.gov]; Flynn, Mike[Flynn.Mike@epa.gov]; Grantham, Nancy[Grantham.Nancy@epa.gov]; Hull, George[Hull.George@epa.gov]  
**From:** Richardson, RobinH  
**Sent:** Fri 2/10/2017 4:54:59 PM  
**Subject:** FYI - 2 HEC hearings next week

Hi Layne - Just a quick heads up on two House Energy and Commerce hearings that have some relevance to EPA work. We've not been asked to testify but we will either attend or watch the hearing and provide notes. If you have any questions or need more information please let me know. Best, Robin

-----

HEC Environment Subcommittee Hearing on 2/16: "Modernizing Environmental Laws: Challenges and Opportunities For Expanding Infrastructure and Promoting Development and Manufacturing" witnesses may include (majority): National Association of Manufacturers; US Chamber of Commerce; PA Chamber of Commerce (likely will talk about CPP, CSAPR); Mayor Jon Mitchell New Bedford, MA (likely will talk Brownfields); and (minority): Flint, MI; United Steel Workers (RMP facility chemical safety)

<https://energycommerce.house.gov/hearings-and-votes/hearings/modernizing-environmental-laws-challenges-and-opportunities-expanding>

Energy Subcommittee hearing 2/15: Modernizing Energy and Electricity Delivery Systems: Challenges and Opportunities to Promote Infrastructure Improvement and Expansion

-should be mostly on pipelines, transmission lines, grid infrastructure stuff, not as much EPA-related/focused

<https://energycommerce.house.gov/hearings-and-votes/hearings/modernizing-energy-and-electricity-delivery-systems-challenges-and>

Robin H Richardson  
PDAA, EPA/OCIR  
(202) 564-3358 (desk)

Personal Matters/Ex. 6 (cell)

[richardson.robinh@epa.gov](mailto:richardson.robinh@epa.gov)

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Clark, Jim  
**Sent:** Thur 1/26/2017 7:31:16 PM  
**Subject:** Automatic reply: Welcome

Acting Contracts Branch Chief

Thursday Afternoon John Robb(4-5468)

Friday Ryan Parker(4-5126)



**To:** Message from the Chief of Staff[messagefromthechiefstaff@epa.gov]  
**From:** Message from the Chief of Staff  
**Sent:** Thur 9/28/2017 4:26:14 PM  
**Subject:** Welcoming Pete Lopez as the Regional Administrator for Region 2



Colleagues,

I am pleased to report that today the Administrator will be announcing the appointment of Pete Lopez of New York to become Regional Administrator for Region 2. Pete will be starting at the Agency on October 10. Please join me in welcoming him to EPA.

Pete brings an exceptional background in public service and leadership. He has served as a member of the New York State Assembly since 2007 representing a seven county region, and is currently a member on the New York Assembly Committee on Environmental Conservation. Pete is also a member of the Task Force on Food, Farm and Nutrition Policy where he has provided oversight of New York's health and environment. While serving as a state legislator, Pete has worked tirelessly to collaborate in developing and passing the state budget and promoting growth and opportunity for New Yorkers.

Pete's familiarity with the region will be invaluable as EPA serves Americans in the northeast. In addition, his experience in the days after Hurricane Sandy will be especially useful as the Agency leans in on assisting the citizens of Puerto Rico and the US Virgin Islands in their recovery from the devastating impacts of Hurricanes Irma and Maria.

I want to thank Catherine McCabe, who has been serving as the acting regional administrator. Catherine will return to her permanent position as Region 2 deputy regional administrator.

Ryan Jackson

Chief of Staff

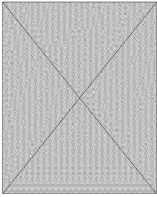
**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** David Johnston  
**Sent:** Fri 2/3/2017 12:04:31 AM  
**Subject:** follow up

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Dave

--



**David Johnston**

Executive Director  
Idaho Republican Party

o: (208) 343-6405 c: **Personal Phone/Ex. 6**

w: [idgop.org](http://idgop.org) e: **Personal Email/Ex. 6**

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Wilkes, Quianna  
**Sent:** Wed 3/29/2017 7:48:56 PM  
**Subject:** RE: Bill McGrath

Done!

-----Original Message-----

From: Bangerter, Layne  
Sent: Wednesday, March 29, 2017 3:45 PM  
To: Wilkes, Quianna <Wilkes.Quianna@epa.gov>  
Subject: Bill McGrath

Can you please put on my calendar a meeting with me Tete Bennett and Bill McGrath 1130 my office  
Friday morning thank you

Sent from my iPhone

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Penman, Crystal  
**Sent:** Fri 2/10/2017 4:41:16 PM  
**Subject:** RE: Lead and Copper Rule

I understand with the new Administrator coming aboard next week things may get quite busy.

I can follow your lead next week as to your availability as these meeting were specifically designed for you: Water

Infrastructure/WIFIA 2/14 @ 9a

Stream Protection Rule 2/15 @ 9:30am

Lead and Copper Rule 2/15 @ 11am

Bristol Bay 2/16 @ 1pm

Also, Mike is available to meet with you today if you are available if not, should we wait on this until next week or after? Please advise.

---

**From:** Bangerter, Layne  
**Sent:** Friday, February 10, 2017 10:56 AM  
**To:** Penman, Crystal <Penman.Crystal@epa.gov>  
**Cc:** Shapiro, Mike <Shapiro.Mike@epa.gov>  
**Subject:** RE: Lead and Copper Rule

I need to visit with Mike also. My schedule is fluid next week pending activities involving whether the new Administrator comes aboard, is sworn-in, etc...We can schedule it for the 15<sup>th</sup>, but I would hate to miss, or cancel if we have a conflict, which I expect. Advice?

---

**From:** Penman, Crystal  
**Sent:** Friday, February 10, 2017 9:57 AM  
**To:** Bangerter, Layne <bangerter.layne@epa.gov>  
**Subject:** RE: Lead and Copper Rule

Not a problem. I see your calendar shows availability for February 15 @ 11am. Would that time work for you?

---

**From:** Bangerter, Layne  
**Sent:** Friday, February 10, 2017 9:50 AM  
**To:** Penman, Crystal <[Penman.Crystal@epa.gov](mailto:Penman.Crystal@epa.gov)>  
**Subject:** RE: Lead and Copper Rule

W  
I have another conflict.

---

**From:** Penman, Crystal  
**Sent:** Friday, February 10, 2017 9:00 AM  
**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** Lead and Copper Rule

Good Morning, Mr. Bangerter, Just confirming your attendance to the meeting below. If you are unable to attend, please advise and I will reschedule.

-----  
**Subject:** Lead and Copper Rule  
**Location:** 3233 WJCE  
  
**Start:** Mon 2/13/2017 11:00 AM  
**End:** Mon 2/13/2017 12:00 PM  
  
**Recurrence:** (none)  
  
**Meeting Status:** Meeting organizer  
  
**Organizer:** Shapiro, Mike  
**Required Attendees:** Best-Wong, Benita; Bangerter, Layne; Grevatt, Peter; Mclain, Jennifer; Burneson, Eric; Christ, Lisa; Gonzalez, Yvonne V.; Campbell, Ann; Wehling, Carrie; Darman, Leslie  
**Optional Attendees:** Neugeboren, Steven  
  
**Categories:** Purple Category

MS

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Fort, Daniel  
**Sent:** Thur 1/26/2017 6:43:06 PM  
**Subject:** Did you receive a notification from Integrity?

I'm just checking in to see if you received a notification from Integrity (the online financial disclosure system from the Office of Government Ethics) regarding an assignment of a new entrant OGE-278e public financial disclosure report. Since the original email was not sent to an EPA email address, it's possible (though it rarely happens) that your personal email system may have sent the email to "spam" or "junk." Remember to log on using your personal email address as your USERID rather than your EPA email address.

If you've already received your email from Integrity, there's no reason to respond and we'll always be around to answer any questions you may have about the form. If you haven't received an email from Integrity and the email message isn't in your "spam" or "junk" mail box, please let me know. In that case, I can have your email address changed to your EPA email address and that will become your USERID. You'll have to reset your password (and the notification will come to your EPA email address).

If you have any questions, just call (or even better, use Skype). I also would be glad to drop by your office anytime or you can come to mine (4310N).

Thanks much,

Dan Fort

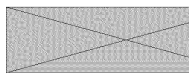
Ethics Officer

202 564-2200

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Ray Scott  
**Sent:** Thur 2/2/2017 11:34:56 PM  
**Subject:** Re: EPA Rules

Layne,  
Thanks for the response. I look forward to much brighter days.

Regards,

 **Ray Scott**  
Colorado Senator SD 7, Assistant Majority Leader  
303-866-3077 **Personal Phone/Ex. 6** **Personal Email/Ex. 6**  
[www.scottforcolorado.com](http://www.scottforcolorado.com)

"Success means having the courage, the determination, and the will to become the person you believe you were meant to be" - George Sheehan

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**On Thu, Feb 2, 2017 at 4:07 PM, Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)> wrote:**

**Standby and remain patient along with us as we anticipate the confirmation of the EPA Administrator. No policy, or direction will come until then unless it is issued directly from the White House. Please know that we remain mindful and aware of this issue.**

**Sincerely,**

**Layne Bangerter**

**From:** Patrick Davis **Ex. 5 - Deliberative Process**  
**Sent:** Thursday, February 2, 2017 5:51 PM  
**To:** Ray Scott **Ex. 5 - Deliberative Process**  
**Cc:** Davis, Patrick <[davis.patrick@epa.gov](mailto:davis.patrick@epa.gov)>; Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>; [erickson.doug@epa.gov](mailto:erickson.doug@epa.gov)  
**Subject:** Re: EPA Rules

Hi Senator Scott, (Ray)



I am copying Layne Bangerter and Doug Erickson on this email. I believe they can help you from here.

Thanks,

Patrick Davis

On Wednesday, February 1, 2017 5:15 PM, Ray Scott <**Personal Email/Ex. 6**> wrote:

Patrick,

Could you possibly check into "the regional haze plan" that EPA is using to shut down power plants. If I understand correctly it is not connected to the clean power plan.

The haze plan is what tri-state energy has been hobbled with and will ultimately cause the closing of the Nucla and Craig power plants including the surrounding coal mines losing thousands of jobs which will effectively make these cities ghost town's.

Please let me know what can be done to bring this issue forward to the administration.

Thanks

See attachement please

**Ray Scott**

Colorado Senator SD 7, Assistant Majority Leader

303-866-3077

Personal Phone/Ex. 6

[www.scottforcolorado.com](http://www.scottforcolorado.com)

**Personal Email/Ex. 6**

"Success is the ability to go from one failure to another with no loss of enthusiasm." - Winston Churchill

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**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Rees, Sarah  
**Sent:** Fri 2/17/2017 10:00:18 PM  
**Subject:** RE: Priebus Memo

Yes - we sent this notice to the Office of the Federal Register for publication today; it typically takes 4-5 business days to publish in the Federal Register after we send it, although they've been moving a little faster lately. It will be posted on the Federal Register's website for publication the day before it publishes.

If you like, I can send you an email letting you know when we get a publication date for it - just let me know.

## Deliberative Process Privilege/Ex. 5

Cheers,  
Sarah

-----Original Message-----  
From: Bangerter, Layne  
Sent: Friday, February 17, 2017 4:54 PM  
To: Rees, Sarah <rees.sarah@epa.gov>  
Subject: Re: Priebus Memo

Were potatoes specifically released.

Sent from my iPhone

> On Feb 13, 2017, at 9:01 AM, Rees, Sarah <rees.sarah@epa.gov> wrote:  
>  
> Hi Layne - I will raise these issues with Catherine McCabe (our acting Administrator) and David Schnare. We have been moving pesticide tolerances through the system and I believe these actions fall within that category of regs.  
>  
> Cheers,  
> Sarah  
>  
> -----Original Message-----  
> From: Bangerter, Layne  
> Sent: Friday, February 10, 2017 4:50 PM  
> To: Rees, Sarah <rees.sarah@epa.gov>  
> Subject: Re: Priebus Memo  
>  
> Also, was the Simplot potato hold also released?  
>  
> Sent from my iPhone  
>  
>> On Feb 10, 2017, at 4:48 PM, Bangerter, Layne <bangerter.layne@epa.gov> wrote:  
>>  
>> Monsanto Corp contacted me asking if we can release the hold on Nemastike since it is costing them millions per day. Can you please let me know?  
>>  
>> Thanks,

>>  
>> Layne  
>>  
>> Sent from my iPhone

**To:** Konkus, John[konkus.john@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Schnare, David[schnare.david@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]  
**From:** Kreutzer, David  
**Sent:** Fri 2/17/2017 9:24:59 PM  
**Subject:** employee boycott of 1st-day address?

FYI. Michael Bastasch is a good reporter.

I take unnamed sources with a grain of salt, but it would be embarrassing to have an all-hands meeting with a half-empty auditorium.

David

David W. Kreutzer, Ph.D.

202.564.3113

IMPORTANT: Please note that any correspondence with this account may become a federal record and be subject to Freedom of Information Act (FOIA) requests.

**From:** Munoz, Charles  
**Sent:** Wed 2/1/2017 3:55:18 PM  
**Subject:** 5 year salary history

I know some of this is redundant, so bear with me please, but I need your 5 year salary history by COB today.

Thank you,

Charles Munoz

White House Liaison

Enviromental Protection Agency

**To:** Alexandra Dunn[adunn@ecos.org]; john.stine@state.mn.us[john.stine@state.mn.us]  
**Cc:** Richardson, RobinH[Richardson.RobinH@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; mswanson@ecos.org[mswanson@ecos.org]; Osinski, Michael[Osinski.Michael@epa.gov]; Cheatham-Strickland, Latonia[Cheatham-Strickland.Latonia@epa.gov]; michele.clarizio@state.mn.us[michele.clarizio@state.mn.us]  
**From:** Barbery, Andrea  
**Sent:** Fri 3/10/2017 11:39:07 PM  
**Subject:** UPDATED: Tues/14th 5:30 p.m. - ECOS to meet w/EPA Administrator Pruitt

Hi Alex & John –

Apologies for the late change. We are on for **5:30 p.m.** on **Tuesday the 14<sup>th</sup>** with the Administrator.

Thanks and see you next week!

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

**From:** Barbery, Andrea  
**Sent:** Friday, March 10, 2017 4:42 PM  
**To:** 'Alexandra Dapolito Dunn' <adunn@ecos.org>; 'john.stine@state.mn.us' <john.stine@state.mn.us>  
**Cc:** Richardson, RobinH <Richardson.RobinH@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>; mswanson@ecos.org; Osinski, Michael <Osinski.Michael@epa.gov>; Cheatham-Strickland, Latonia <Cheatham-Strickland.Latonia@epa.gov>  
**Subject:** CONFIRMED: Tues/14th 5:00 p.m. - ECOS to meet w/EPA Administrator Pruitt

Alex and John,

I'm happy to let you know that Administrator Pruitt is holding **5:00 p.m** on **Tuesday/14<sup>th</sup>** to meet

with you!

We're also working to get on OCFO's calendar, hopefully on Monday afternoon/evening.

Hope you have a restful weekend ahead, after this very busy week!

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

**From:** Alexandra Dapolito Dunn [<mailto:adunn@ecos.org>]

**Sent:** Tuesday, March 07, 2017 11:14 AM

**To:** Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>

**Cc:** Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>

**Subject:** Re: Upcoming ECOS officers calls (8th/15th)

Yes - just offer two half hour times and we'll get them together. Maybe earlier in the week? Do you want us to do a doodle poll and get you a few times? It seems Administrator's schedule would be harder to manage than our team.

*Alexandra Dapolito Dunn, Esq.*

*Executive Director & General Counsel*

*Environmental Council of the States*

*50 F Street, NW, Suite 350*

*Washington, DC 20001*

**Personal Phone/Ex. 6** (C);202-266-4937 (F)



[adunn@ecos.org](mailto:adunn@ecos.org); Twitter @ECOSates

See my research: <http://ssrn.com/author=1356207>

Save the Date! ECOS' Spring Meeting, April 6-8, 2017, Washington, DC, [www.ecos.org](http://www.ecos.org)

On Tue, Mar 7, 2017 at 10:39 AM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

Alex – I'm glad I checked on this!! The 15<sup>th</sup> is not going to work...Pruitt will be accompanying the President on travel. I hope we'll be able to confirm him for the All-Member call on the 21<sup>st</sup> (Robin will know more about that this evening). Would the officers like for us to try to arrange a one-off call (outside of the Wed/9:30) to touch base before the 21<sup>st</sup>?

**From:** Alexandra Dapolito Dunn [<mailto:adunn@ecos.org>]  
**Sent:** Friday, March 03, 2017 2:55 PM  
**To:** Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>  
**Cc:** Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>  
**Subject:** Re: Upcoming ECOS officers calls (8th/15th)

John and I will be able to come in person on the morning of March 8. Can we take the call in your conf room and after the meet and greet hold the rest of our call with our officers?

As for the 15th, I suggest we just move to an afternoon time. How's 4-430 ET?

*Alexandra Dapolito Dunn, Esq.*

*Executive Director & General Counsel*

*Environmental Council of the States*

*50 F Street, NW, Suite 350*

*Washington, DC 20001*

**Personal Phone/Ex. 6** (C);202-266-4937 (F)

[adunn@ecos.org](mailto:adunn@ecos.org); Twitter @ECOSates

See my research: <http://ssrn.com/author=1356207>

Save the Date! ECOS' Spring Meeting, April 6-8, 2017, Washington, DC,  
[www.ecos.org](http://www.ecos.org)

On Fri, Mar 3, 2017 at 1:50 PM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

Hi Alex,

Would it be possible for us to have some time on the Officers' call on Wed/8<sup>th</sup> to introduce our new DAA for Intergovernmental Relations? The ink isn't dry yet but we are expecting this person to be in place on Monday/6<sup>th</sup>. 5-10 min would be great. We'd also love to get you and Cmsr Stine here to meet in person on Wednesday AM if you can swing it? Or any other time that works while he's in DC. (We're also working on your other request, stay tuned!)

We also just learned that the Administrator will not be able to join the Officers on the morning of Wed/15<sup>th</sup>; he is available to talk to the officers later that afternoon, though I know it is difficult to find time on everyone's calendars. How would you like to handle this?

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

[202-564-1397](tel:202-564-1397)

**To:** wilkes-elliott.quianna@epa.gov[wilkes-elliott.quianna@epa.gov]  
**Cc:** Bowles, Jack[Bowles.Jack@epa.gov]; Matthews, Demond[matthews.demond@epa.gov];  
Cheatham-Strickland, Latonia[Cheatham-Strickland.Latonia@epa.gov]; Hannon,  
Arnita[Hannon.Arnita@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Tue 3/7/2017 9:19:06 PM  
**Subject:** Registration for NLC (March 11 - 15, 2017)

Hi Quianna!

I am sharing instructions so that you can register Layne for NLC. I've cc'd others who may wish to register so that everyone can go with ease in and out of any sessions they would like to over the course of the conference. I am making sure that each day of interest to us will appear on the calendars of the EPA people attending and will include you on those calendar entries. Thank you!

-Go to **Non-responsive Conference Code/Ex.6**

-Click on "Events"

-Click on "Congressional City Conference"

-When the page opens, you will see a block that is marked "Register"

-The **Registration Code for NON-SPEAKERS (those of us who are not presenters):**

**Non-responsive Conference Code/Ex.6**

Denise has registered Don Benton and has reported that registering is quite difficult. But she worked through it so he is all registered. Just FYI.

Thanks everyone!

Arnita

M. Arnita Hannon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Phone/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Citizen Name/Ex. 6  
**Sent:** Thur 2/2/2017 10:45:46 PM  
**Subject:** Outreach and resume  
Citizen Name/Ex. 6 Resume EPA.pdf

Hi Layne, I hope all is well. I wanted to send you an updated version of my resume for consideration at EPA. As you know, I have an extensive background in environmental policy on Capitol Hill and downtown and would love the opportunity to join the good folks at EPA under the new administration. Please let me know if there is anything additional that I can do as the agency starts to staff up.

I should also add that it's been great to see the President getting off to such a good start. His cabinet picks have been great and I love that he started right out of the gate following through on the things he spoke about over the last two years. Imagine that - a politician doing what they said they would do!

Anyway, I appreciate your support on this, Layne. It would be such a great opportunity to assist the President, Mr. Pruitt and others in refocusing the agency on its core missions. Thank you for considering my qualifications to do so.

All the best,

Citizen Name/Ex. 6

**To:** Richardson, RobinH[Richardson.RobinH@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Benton, Donald  
**Sent:** Thur 1/26/2017 5:21:35 PM  
**Subject:** Contact info for Legislators from spill area

Hi Robin,

I asked this morning for a list of names and numbers for 4 US Senators and what cannot be more than 6 or 7 Members of the House from the area along the Iowa and Minnesota border where the spill occurred.

That was 3 hours ago. I need that contact information now please.

Thank you,

Don Benton

Senior White House Advisor

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Levine, Carolyn[Levine.Carolyn@epa.gov]; Kaiser, Sven-Erik[Kaiser.Sven-Erik@epa.gov]; Moody, Christina[Moody.Christina@epa.gov]; Haman, Patricia[Haman.Patricia@epa.gov]; Osinski, Michael[Osinski.Michael@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Bailey, KevinJ[Bailey.KevinJ@epa.gov]  
**From:** Richardson, RobinH  
**Sent:** Fri 2/17/2017 9:14:29 PM  
**Subject:** Re: Assistance w/Congressional notifications for Tuesday's Town Hall

Got it! Sounds good. Thank you! Robin

Robin H Richardson  
PDAA, EPA/OCIR  
(202) 564-3358 (desk)

**Personal Phone/Ex. 6**  
richardson.robinh@epa.gov

> On Feb 17, 2017, at 1:29 PM, Bangerter, Layne <bangerter.layne@epa.gov> wrote:  
>  
> Will do. Responding to requests rather than outreach...  
>  
> Thanks, Layne  
>  
> -----Original Message-----  
> From: Richardson, RobinH  
> Sent: Friday, February 17, 2017 1:02 PM  
> To: Bangerter, Layne <bangerter.layne@epa.gov>  
> Cc: Levine, Carolyn <Levine.Carolyn@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Moody, Christina <Moody.Christina@epa.gov>; Haman, Patricia <Haman.Patricia@epa.gov>; Osinski, Michael <Osinski.Michael@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Bailey, KevinJ <Bailey.KevinJ@epa.gov>  
> Subject: Assistance w/Congressional notifications for Tuesday's Town Hall  
>  
> Hi Layne -  
>  
> Jack Bowles and I were just on the regional Public Affairs call and learned from John that concurrent with other notifications he mentioned you'd be reaching out to Congress. We wanted to let you know we are here to help however we can. I've cc:d the team leads as well so we can coordinate quickly. Just let us know.  
>  
> Best, Robin  
>  
> Robin H Richardson  
> PDAA, EPA/OCIR  
> (202) 564-3358 (desk)  
> **Personal Phone/Ex. 6**  
> richardson.robinh@epa.gov

**To:** Hupp, Sydney[hupp.sydney@epa.gov]  
**Cc:** Bangerter, Layne[bangerter.layne@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov];  
Richardson, RobinH[Richardson.RobinH@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Fri 4/21/2017 7:52:48 PM  
**Subject:** Mayor Antaramian (Kenosha, WI) Delighted to Meet with OBLR and OCIR Senior Staff in  
Administrator's Stead

Hi Sydney!

Re: Request from Kenosha, WI Mayor John Antaramian to meet with Administrator on April 26  
While in DC – Re: “Good News Brownfields Stories in Kenosha.”

-Your Question about whether the meeting could be held the following week. That's not an option since the mayor is only in DC next week. However, Mayor Antaramian is delighted that we are providing an opportunity for him to meet with Office of Brownfields and Land Revitalization and Office of Intergovernmental Relations leadership and provide updates on the great Brownfields work in Kenosha.

So, all clear on that! Thanks again for your efforts Sydney. We'll take care of the mayor on this visit.

Arnita

M. Arnita Hannon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Phone/Ex. 6**



**Personal Phone/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** LEGALHOLDREMINDER@epa.gov  
**Sent:** Sat 9/30/2017 3:34:08 PM  
**Subject:** MANDATORY ACTION REQUIRED: You must open and read this notice

**This notice has been authorized by EPA's General Counsel.**

You are a named custodian of potentially relevant information ("PRI") subject to one or more pending litigation holds. You must continue to preserve materials, whether paper, electronic, or otherwise, that are potentially relevant to the matters listed in your custodian portal. Please click on the link below (or copy and paste into your web browser) to review the matters on which you have been designated as a custodian. (If prompted for a username and password, please use your LAN information)

**Custodian Portal**

**If you have any questions about this reminder or your obligation to preserve documents, contact the EPA case attorney assigned to the matter(s). That case attorney's contact information can be located by accessing the Custodian Portal via the link above, and then by clicking on the individual case/matter.**

Please contact either the EPA E-Discovery Help Desk at 1-855-372-3472 or the litigation hold administrators for your region or office if you have any technical questions regarding this message (e.g., problems accessing the hold via the link above).

Your litigation hold administrator is listed under the "eDiscovery Contacts" at:  
**<http://intranet.epa.gov/ediscovery/employees/index.html>**

Thank you for your assistance as we continue to ensure compliance with our obligations under the Federal Rules of Civil Procedure.

**THIS IS A SYSTEM GENERATED REMINDER NOTICE--DO NOT RESPOND**

**Custodian Portal**

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Campbell, Ann  
**Sent:** Wed 2/1/2017 3:39:35 PM  
**Subject:** Contact information

Layne, I can be reached at this email address or by calling 566-1370. I am located down the hall from Mike's office closer to the conference room in room 3303 in the East Building.

If you need assistance or have questions, please don't hesitate to contact me.

Best,

Ann

**From:** Bowles, Jack  
**Sent:** Thur 3/2/2017 6:24:53 PM  
**Subject:** State & Local Weekly Report for March 2, 2017



**In this Issue:**

*Current and Upcoming Meetings and Events*

*Local Government Advisory Committee*

*Recap of Recent Events*

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**EPA to Meet with City of Laredo, Texas Local Officials**

EPA Headquarters and Regional staff will meet with Laredo local officials on Tuesday, March 7 to discuss the city's Environmental Outreach Education Program. The city continues to work closely with EPA on a number of priorities, including successfully implementing programs made possible with support from US/Mexico Border grants. For example, through the US/Mexico Border Program, the city has developed an e-waste collection program designed to recycle obsolete home electronics. The city has also realized successes with Brownfields funding.

According to city officials, Laredo continues a massive effort to imprint good environmental habits, focusing particularly on engaging the youth population. The city has initiated an extensive environmental education campaign with emphasis on water quality protection. Through a US/Mexico Border grant from EPA, the city's Environmental Services Department continues to work also on an initiative for all early childhood education in Laredo, as well as Laredo's sister city across the river – Nuevo Laredo, Tamaulipas, Mexico. Some of the goals include: bringing awareness of non-point source pollution and its effects on the area's water quality; providing early grade level school educators with free environmental education materials, including tools focusing on water quality pollution activities; and, forming a bridge of communication and cooperation between environmental professionals and early grade level educators. The Laredo officials support Environmental Education Grants funding and other federal assistance that will enable its Environmental Services Department to continue the environmental education program for an environmentally sustainable community. They also support increased funding for Environmental Justice grants and for the Border 2020 Grant Program. (Contact: M. Arnita Hannon Christmon)

### **EPA to Meet with Medford, OR Local Officials**

On Tuesday, March 7, EPA will meet with City Councilmembers Michael Zorosinski, Tim Jackle, and City Manager Brian Sjothun to discuss EPA's programs to support local communities. Various Program Offices, including the Office of Brownfields and Land Revitalization, several Office of Water representatives, and OAR's State and Local Climate & Energy Program, along with Region X, will join OIR for the meeting. The local officials will have dialogue with the various offices assembled to provide overviews on a number of programs, including: Stormwater Management; Green Infrastructure; Local Climate Action support. The City of Medford is currently a partner on two pending EPA grants submitted by the Rogue Valley Council of Governments: Brownfields; Five Star and Urban Waters. (Contact: M. Arnita Hannon Christmon)

-

### **EPA to Meet with Commerce City, Colorado Local Officials**

On Thursday, March 9, EPA will meet with Mayor Sean Ford and other local officials from Commerce City, CO to discuss support for the transition of restricted property from the former Rocky Mountain Arsenal to residential use. The site needs testing/verification performed on the soil to assure the citizens that it is clean and safe.

The National Defense Authorization Act (NDAA) for FY 2017 included a provision, the Rocky Mountain Arsenal Amendment, that allows for an environmental assessment to evaluate the removal of deed restrictions. These restrictions currently prohibit the development of items such as transportation infrastructure or retail and housing properties, on land that Commerce City purchased in 2004. The law now allows the City to move forward with its development plans following an environmental review. Mayor Ford and his team look forward to continuing to work with EPA and to exploring how EPA might support the soil testing/verification. (Contact: M. Arnita Hannon Christmon)

### **National League of Cities Annual Meeting in Washington, DC**

NLC will host its annual Congressional City Conference (CCC) March 11 – 16. Councilman Matt Zone (Cleveland, OH) serves as NLC President. Mayor Mark Stodola (Little Rock, AR) is 1st Vice President. Mayor Karen Freeman-Wilson (Gary, IN) member of the LGAC, serves as 2nd Vice President. Administrator Pruitt will address the Closing Luncheon Plenary on Tuesday, March 14. The Administrator will discuss EPA's Priorities under the Trump Administration. NLC wants the nation's cities and the Association to be a resource and partner for EPA in efforts focusing on protecting public health and the environment.

NLC's Energy, Environment and Natural Resources Committee (EENR) will convene on Sunday, March 12. Mayor Sal Panto, Jr. (Easton, PA) is Chair. Deputy Mayor Cynthia Pratt (Lacey, WA) and Councilmember Hattie Portis-Jones (Fairburn, GA) serve as Vice Chairs. Policy Committees do not consider resolutions during the CCC. Per an invitation from the Committee, Jennifer Keller, Director, Legacy Fleets Incentives and Assessment Center, Office of Transportation & Air Quality (OAR), will join a panel to discuss the Volkswagen Settlement. Jennifer participated in a similar panel in January during the US Conference of Mayors' Winter Meeting.

EPA has been invited to participate in a Workshop on Monday, March 13 entitled, "Energy and Climate Policy: What's Next?" EPA is being asked to discuss the Agency's/Administration's perspective on the direction of climate policy, i.e., whether the focus will be on adaptation/disaster planning and preparedness, and less on mitigation. The Department of Energy is also invited to participate in the workshop, and to share that Agency's perspective on energy efficiency/renewable energy. While the scope of the panel is still evolving, NLC staff hope to include a Mayor and a business perspective during the conversational/talk show style forum. Carol Warner, Executive Director of the Environmental and Energy Study Institute, will moderate.

Also on Monday, NLC will host the "Federal Agency Round Robin" session to provide an opportunity for local officials to rotate among various "stations/tables" to engage in dialogue with Agencies about resources, tools, grants, and partnerships to support communities. EPA has been invited to participate in two round tables during this session: "Brownfields Redevelopment" and "Stormwater Management and Green Infrastructure." To date, Christopher Kloss of the Municipal Branch, Water Permits Division (OW), has been confirmed for the Stormwater roundtable. Debi Morey, Acting Deputy Director, Office of Brownfields and Land Revitalization, and Aimee Strong, Land Revitalization Coordinator (OBLR), are confirmed for the Brownfields Redevelopment roundtable.

On Tuesday, EPA has been invited to participate in the “Keeping the Clean Water Flowing” Workshop. The focus will be EPA’s National Drinking Water Action Plan, as a follow-up to the drinking water crisis in Flint, MI. Peter Grevatt, Director, Office of Groundwater & Drinking Water (OW), will discuss the Plan. The panel will also focus on Integrated Planning. In addition to EPA staff, NLC staff hopes to include an elected official or public works director to round out the panel. In describing this session, NLC stated that municipal leaders will hear how the EPA’s Integrated Planning framework can help communities prioritize projects to get the most “bang for [the] buck,” and how Congress is supporting this effort. This is also an opportunity to showcase how local, state and federal governments are working together to ensure that there is never a drinking water contamination crisis like that in Flint, MI again, according to NLC staff. The Integrated Planning staff participants are pending confirmation.

NLC has identified a number of priorities of importance to the nation’s cities and towns, including: investments in water infrastructure; addressing what they believe to be costly complex federal mandates; and devastating effects associated with a changing climate, including extreme weather events. NLC believes that EPA’s integrated planning and the financial capability frameworks to assist cities and towns with stormwater management planning are vital tools for local governments. CEO and Executive Director Clarence E. Anthony noted these areas in the December letter to Administrator Pruitt. NLC looks forward to hosting the Administrator, as well as EPA staff from various program offices who will present throughout the upcoming annual meeting. (Contact: M. Arnita Hannon Christmon)

#### **EPA to Meet with Mayor Pro Tem Ramirez**

On Tuesday, March 14 EPA will meet with Oxnard, California Mayor Pro Tem Carmen Ramirez to discuss the city’s continuing interest in completing the remediation of the Halaco Superfund site. Mayor Pro Tem Ramirez meets regularly with headquarters to highlight the city’s vision for reuse opportunities. She continues to express her appreciation for Region IX and its partnership with the city. The Region has made significant progress at the site and continues to address issues. Ms. Ramirez also appreciates the continuing close collaboration between Region IX and the Office of Superfund Remediation and Technology Innovation on this priority project. OSRTI and Region IX staff will join OIR for the March 14<sup>th</sup> meeting. (Contact: M. Arnita Hannon Christmon)

#### **EPA to Meet with Hesperia, CA Local Officials**

On Thursday, March 16, EPA will meet with Mayor Paul Russ, and City Engineer Michael Thornton to discuss funding opportunities for the City’s sewer and water projects. Office of Water staff from the Office of Wastewater Management will join OIR and Region IX staff for the meeting. Staff from OW’s Water Infrastructure and Resiliency Finance Center will also be invited to participated. (Contact: M. Arnita Hannon Christmon)

EPA's **Local Government Advisory Committee** (LGAC) met on January 13 to review and approve a Report highlighting the LGAC's work entitled "*EPA's Local Government Advisory Committee Biannual Report-2015-2016*." The Report can be accessed on the [LGAC website](#).

(Contact: Fran Eargle)

### **National Governors' Association Annual Winter Meeting**

The National Governors' Association hosted its annual winter meeting February 24-27 in Washington, DC. NGA is Chaired by Governors Terry McAuliffe (VA) and Vice-Chair Brian Sandoval (NV). The Natural Resources and Infrastructure met in a private session to discuss infrastructure. (Contact: Becky Cook-Shyovitz)

### **Western Governors' Association Breakfast Meeting**

EPA hosted the Western Governors' Association for a meeting on Sunday, February 26. Administrator Scott Pruitt, along with Chief of Staff Ryan Jackson, participated in the meeting. Governors included: MT, SD, NV, WY, CO, HI, OR, ND, UT, AK, OK, and ID. A common theme throughout the meeting was the importance of fostering the partnership between EPA and states. (Contact: Becky Cook-Shyovitz)

### **Governors' Meetings**

In conjunction with the NGA meeting, Administrator Pruitt held a series of one-on-one meetings with governors from across the country. On Friday, February 24, the Administrator met with Texas Governor Greg Abbott. He also met with governors from the Midwestern Governors' Association – Governor Terry Branstad (Iowa), Lt. Governor Kim Reynolds (Iowa), Governor Eric Holcomb (Indiana), and Governor Mark Dayton (Minnesota). Later on Friday, Administrator Pruitt met with Guam Governor Eddie Calvo and Guam EPA Administrator Walter Leon Guerrero. Finally, on Monday, February 27, Administrator Pruitt met with Mississippi Governor Phil Bryant. (Contact: Becky Cook-Shyovitz)



### **Administrator Addresses USCM Leadership Meeting**

The US Conference of Mayors hosted its Leadership Meeting in Washington, DC March 1 – 3. Administrator Pruitt addressed the mayors on Thursday, March 2, and discussed EPA's priorities under the new Administration. Dialogue followed the Administrator's remarks.

USCM is interested in seeking a more comprehensive approach to environmental policy and infrastructure investment. Areas of interest include: Climate change; Integrated Stormwater Management Planning; and Green Infrastructure. Areas of concern include: Waters of the US; the 2015 Ozone Standards; drinking water, wastewater, and stormwater mandates; and Risk Management Planning. The Annual Leadership Meeting brings together approximately 40 – 50 USCM member mayors to discuss policy priorities, conduct meetings with Members of Congress, and hear from Federal Agency leadership. Education Secretary Betsy DeVos also met with the mayors during the course of the Leadership Meeting. During Hill visits on Thursday, mayors met with House Transportation and Infrastructure Committee Chair Shuster; House Democratic Leader Pelosi; House Appropriations Committee Chair Frelinghuysen; and Senate Majority Leader Mitch McConnell. (Contact: M. Arnita Hannon Christmon)

### **NACo Meeting in Washington, DC**

The National Association of Counties hosted its 2017 Legislative Conference at the Marriott Wardman Park Hotel in Washington, DC, from February 25 – March 1, 2017. Several hundred elected and appointed county officials from across the U.S. took advantage of this opportunity to discuss both ongoing and emerging issues across the policy spectrum that affect the nation's 3,000-plus county governments. Transportation, public safety, education, agriculture, employment, public housing, health care, information technology/cybersecurity, economic development, energy and environmental/natural resource policy issues were addressed by NACo's full complement of committees which – at this conference -- amended existing policy platforms and resolutions and developed "interim" ones that will be ratified at the national meeting in July in Columbus, Ohio. In addition, myriad symposia co-sponsored by NACo's private sector partners queued up "best practice" discussions that informed participants' perspectives across all issue areas. NACo's Energy, Environment and Land Use Steering Committee met on Saturday, February 25, to discuss and agree to a new resolution seeking support of legislation to codify EPA's 2012 Integrated Municipal Storm Water and Wastewater Planning Approach framework, under which sewer districts can seek more efficient and affordable solutions to CWA compliance and which creates demonstration projects under which communities will be allowed more flexibility and comply with the Act's regulatory requirements. Further, the legislation would direct EPA to review and revise their CWA "affordability guidance," which was developed in 1997 and – counties believe – is out of date and has not kept up with current funding challenges. There have been legislative proposals to address this issue in previous sessions of congress, and the current vehicle is titled "The Water Quality Improvement Act of 2017." (Contact: Hanson)

### **Meeting with Escambia County, Florida Commissioner**

On February 28, Escambia County Commissioner Grover Robinson met with EPA headquarters and Region 4 staff to discuss the status and next steps for the Escambia Wood Treating Company (ETC) Superfund site in Pensacola, Florida. The site consists of the 26 acre former facility, which is not owned by EPA, and about 70 acres of former residential properties that were acquired by EPA between 1997 and 2008 as an Interim Remedial Action under the agency's National Relocation Evaluation Pilot. The Florida Department of Environmental Protection is statutorily and contractually obligated to accept the property at the end of Remedial Actions for Operable Unit (OU) 1, which will occur in the next 9-12 months. EPA has been ready to transfer the property since March 2012, and sent the signed transfer deed to FDEP in January 2013. Since that time, FDEP has asked EPA to transfer the 70 acres of EPA-acquired property directly to either the City of Pensacola or Escambia County. EPA can revise the transfer deed but is waiting until FDEP and one or both local governments work out a Memorandum of Agreement relating to operation and maintenance (O&M) obligations. Though not a party to the agreement, EPA is playing a support role in the negotiations. If there is no agreement with local government by the end of Remedial Actions for OU1, FDEP must accept the property. If this occurs, FDEP is required by CERCLA to perform O&M activities to maintain the protectiveness of the remedial action, which would initially cost the state about \$100,000 a year but would become less costly over time. At today's meeting, Commissioner Robinson expressed the county's willingness to pursue a split title arrangement with the City of Pensacola, to which Robinson believes the city would be amenable, using Palafox/Route 29 as the dividing line between the city and county portions. EPA Region 4 staff, agreeing that this could be a workable solution, committed to facilitating the development of a 3-way MOA between the FL DEP, Escambia County, and Pensacola which would chart a path forward for ownership – as well as proper maintenance – of the land. (Contact: Hanson)

#### **Meeting with Contra Costa County, CA, Supervisors**

On March 1, EPA Contra Costa County, California, Supervisors Diane Burgis and Federal Glover met with EPA headquarters and Region 9 staff to discuss the county's interest in the Brownfields Assessment Grants program. The county received Brownfields funding in 2003 and 2005, but has not since applied. Brownfields assessment grants provide funding for an eligible recipient to inventory, characterize, assess, conduct planning and engage the community in the brownfields-related activities. Applicants may seek a waiver of the \$200,000 limit and request up to \$350,000 for a site contaminated by hazardous substances, pollutants, or other contaminants, including petroleum. At the meeting, brownfields area-wide grants were also discussed, and FY 2017 brownfield clean-up RFP guidance was provided. Region 9 staff, Nova Blazej and Noemi Emeric-Ford, stand ready to assist the county with its northern waterfront revitalization efforts. (Contact: Hanson)

#### **Meeting with Jackson County, MS Administrator**

Jackson County, Mississippi Administrator Brian Fulton dropped by OIR offices on Thursday, March 2, 2017, for an informal visit and general discussion, indicating no specific topics or issue-interests. (Contact: Hanson)

### **Meeting with Folsom and San Juan Water District (California)**

On Tuesday, February 28, EPA met with Marcus Yasutake, Director of Environmental and Water Resources, City of Folsom, and Keith Durkin, Interim General Manager, San Juan Water District, to discuss local water infrastructure needs. Priority concerns include issues related to direct diversions from Folsom Lake, including operations at Folsom Reservoir. The officials also provided updates on the Folsom Dam Water Control Manual. OIR, the Office of Groundwater & Drinking Water, WIFIA, and Region IX participated in the meeting.

The City of Folsom operates a water and wastewater system, but not a wastewater treatment plant. The District serves about 72,000. It is among twenty-one water districts in the greater Sacramento area. A priority project for the Water District is evaluating the development of an "American Basin Water Bank." According to the local officials, the Bank will allow the Sacramento region to maximize the potential for storing water in the area's healthy and productive groundwater aquifer. It is estimated that there is more storage space available in the groundwater basin than twice the capacity of Folsom Reservoir – a primary water supply for the region that must also serve statewide water supply and environmental needs. The local officials appreciate deeply that Roger Gorke, Senior Policy Advisor, Office of Water, and Region IX Southern California Field Office staff will follow up with them for continued dialogue. (Contact: M. Arnita Hannon Christmon)

### **Meeting with Modesto Irrigation District (Modesto, CA)**

On Tuesday, February 28, EPA met with Nick Blom, MID Board of Directors, Ronda Lucas, General Counsel, and Gary Soiseth, Regulatory Administrator. Office of Water and Region IX staff (by telephone) joined OIR for the meeting.

The Modesto Irrigation District (MID) officials provided an overview of what they believe will be severe economic impacts from the California State Water Resources Board's (SWRCB) recent proposal to reallocate large amounts of water to fishery purposes at the expense of existing agricultural and urban uses. The officials discussed with EPA the role of Federal laws and Agencies in the development and implementation of the pending SWRCB plan.

The officials also expressed concerns with Region X 2003 Water Quality guidelines impacting the Tuolumne River and would like to see EPA explore the formulation of new guidelines that would be more relevant to Modesto and similar cities with water bodies in Region IX concerned with fish survival. The officials cited new, peer reviewed science that would support their proposal. Region IX noted that that the latest science will be helpful as this issue is examined. Region IX staff, coordinated by OW's Roger Gorke, will continue dialogue with the Modesto officials. Headquarters Office of Groundwater & Drinking Water will be kept in the ongoing

discussions as needed.

The Modesto Irrigation District is a vertically integrated public utility located in California's Central Valley. The District provides irrigation water to approximately 3,100 agricultural customers, irrigating nearly 60,000 acres; and electricity to more than 117,000 customers in a service area of 650 square miles. MID also treats and wholesales up to 40 million gallons of drinking water per day to the City of Modesto. The city has invested about \$25 million over the last decade to address the health of its water bodies. (Contact: M. Arnita Hannon Christmon)

### **Mississippi River Mayors Host Annual Meeting**

The 5th Annual Mississippi River Cities & Towns Initiative (MRCTI) convened in Washington, DC February 28 – March 1. Mayors Chris Coleman (St. Paul, MN) and Belinda Constant (Gretna, LA) are Co-Chairs for the Association. The MRCTI member mayors are interested in how Federal Agencies can continue to support, through partnerships, the efforts of member mayors to address the environmental and economic health of communities along the Mississippi River under the new Administration. Administrator Pruitt was invited to discuss EPA's Priorities under the Trump Administration, but was unable to attend.

Per an invitation from the mayors, Karen With, Source Water Protection Team Leader (OGWDW), participated in a briefing on March 1 about the National Source Water Collaborative. EPA is one of 26 federal, state, and NGO partners comprising this group that works together to further the goals of protecting sources of drinking water. The group works together on a number of initiatives, including tool development and webinars. A primary focus of the collaborative over the past year has been Clean Water Act-Safe Drinking Water Act integration and nutrient issues. The mayors appreciated the briefing and the informative dialogue that followed.

General MRCTI policy concerns include funding infrastructure improvements in cities. Regarding EPA, specific priority issues for the MRCTI member mayors include: making the Mississippi River more sustainable; maintaining a strong and effective partnership with the Agency, continuing an effective working relationship with the Hypoxia Task Force; and accessing resources through the Safe Drinking Water Act (SDWA) to reduce costs of drinking water filtration for upstream farmers. (Contact: M. Arnita Hannon Christmon)

### **EPA Meets with North Bay Water Reuse Authority**

On Wednesday, March 1, EPA met with David Rabbit, District Supervisor, Sonoma County; Chair, Board of Directors, North Bay Water Reuse Authority; and Director, Sonoma County Water Agency; Brad Sherwood, Principal Program Specialist; Community & Government Affairs,

Sonoma County Water Agency; and, Ginger Bryant, Program Development Consultant, North Bay Water Reuse Authority. The North Bay officials provided an update on Phase 1 and 2 of the Authority's Water Reuse program, and North Bay's proposal to integrate a WaterSMART Drought Contingency Plan and a WaterSMART Basin Study as a model for the development of the tools necessary for the best, most informed decisions on critical water supply issues. The officials also discussed FY 2017 and 2018 funding priorities for water reuse and the North Bay Program, specifically as they relate to the Bureau of Reclamation (BuRec), among other related matters. The North Bay officials also met with BuRec while in Washington. Jim Gebhardt, Senior Advisor to the Deputy Administrator for Water Finance, and lead for the Water Infrastructure and Resiliency Finance Center, joined OIR staff and Roger Gorke (OW/Region IX), and Kelly Tucker, Office of Wastewater Management (Clean Water SRF), for the meeting.

The North Bay Water Reuse Program has used since its inception a multiple-benefit approach to recycled water supply planning and has approached projects from both a watershed and sub-regional perspective. The Program includes treatment, storage, distribution, groundwater management and environmental restoration projects that, according to the representatives, yield significant benefits – a stable, resilient water supply for all water users – far beyond the value of the infrastructure investment.

Phase I of the Program has been under construction for eight years and its \$104 million in infrastructure will be completed in 2018. Phase 2 planning is nearing completion. Its estimated \$72.4 million in projects will build upon Phase 1 infrastructure with increased treatment, storage and distribution, groundwater management and environmental restoration projects. When fully implemented, Phases 1 and 2 are expected to yield approximately 25,000 AFY of recycled water –adding significant capacity into the region's water supply. The Authority has worked extensively with a number of Federal and State Agencies. Under the coordination of OW's/Region IX's Roger Gorke, the Region will convene the North Bay representatives a number of Agencies, including USDA, the Corps, and others to continue discussions about the Authority's work, and to continue to explore how the Authority might best continue to partner with all relevant federal agencies. (Contact: M. Arnita Hannon Christmon)

**To:** Alexandra Dunn[adunn@ecos.org]  
**Cc:** Barbery, Andrea[Barbery.Andrea@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; mswanson@ecos.org[mswanson@ecos.org]; Osinski, Michael[Osinski.Michael@epa.gov]; Cheatham-Strickland, Latonia[Cheatham-Strickland.Latonia@epa.gov]  
**From:** Stine, John (MPCA)  
**Sent:** Fri 3/10/2017 11:01:03 PM  
**Subject:** Re: CONFIRMED: Tues/14th 5:00 p.m. - ECOS to meet w/EPA Administrator Pruitt

Awesome ☐ Thanks, everyone, for arranging this.

John Linc Stine, Commissioner  
MN Pollution Control Agency  
651.757.2014 Desk  
Twitter @JLincStine  
Sent from my iPhone

On Mar 10, 2017, at 4:14 PM, Alexandra Dapolito Dunn <adunn@ecos.org> wrote:

Wonderful!!!

Sent from my iPhone

On Mar 10, 2017, at 4:42 PM, Barbery, Andrea <Barbery.Andrea@epa.gov> wrote:

Alex and John,

I'm happy to let you know that Administrator Pruitt is holding **5:00** p.m on **Tuesday/14<sup>th</sup>** to meet with you!

We're also working to get on OCFO's calendar, hopefully on Monday afternoon/evening.

Hope you have a restful weekend ahead, after this very busy week!

Thanks,

Andrea Barbery

Office of Intergovernmental Relations  
U.S. Environmental Protection Agency  
202-564-1397

**From:** Alexandra Dapolito Dunn [<mailto:adunn@ecos.org>]  
**Sent:** Tuesday, March 07, 2017 11:14 AM  
**To:** Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>  
**Cc:** Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>  
**Subject:** Re: Upcoming ECOS officers calls (8th/15th)

Yes - just offer two half hour times and we'll get them together. Maybe earlier in the week? Do you want us to do a doodle poll and get you a few times? It seems Administrator's schedule would be harder to manage than our team.

*Alexandra Dapolito Dunn, Esq.*

*Executive Director & General Counsel*

*Environmental Council of the States*

*50 F Street, NW, Suite 350*

*Washington, DC 20001*

*202-266-4929 (T); Personal Phone/Ex. 6; 202-266-4937 (F)*

*[adunn@ecos.org](mailto:adunn@ecos.org); Twitter @ECOSates*

*See my research: <http://ssrn.com/author=1356207>*

Save the Date! ECOS' Spring Meeting, April 6-8, 2017, Washington, DC,  
[www.ecos.org](http://www.ecos.org)

On Tue, Mar 7, 2017 at 10:39 AM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

Alex – I'm glad I checked on this!! The 15<sup>th</sup> is not going to work...Pruitt will be

accompanying the President on travel. I hope we'll be able to confirm him for the All-Member call on the 21<sup>st</sup> (Robin will know more about that this evening). Would the officers like for us to try to arrange a one-off call (outside of the Wed/9:30) to touch base before the 21<sup>st</sup>?

**From:** Alexandra Dapolito Dunn [mailto:[adunn@ecos.org](mailto:adunn@ecos.org)]  
**Sent:** Friday, March 03, 2017 2:55 PM  
**To:** Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>  
**Cc:** Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>  
**Subject:** Re: Upcoming ECOS officers calls (8th/15th)

John and I will be able to come in person on the morning of March 8. Can we take the call in your conf room and after the meet and greet hold the rest of our call with our officers?

As for the 15th, I suggest we just move to an afternoon time. How's 4-430 ET?

*Alexandra Dapolito Dunn, Esq.*

*Executive Director & General Counsel*

*Environmental Council of the States*

*50 F Street, NW, Suite 350*

*Washington, DC 20001*

*202-266-4929 (T);* Personal Phone/Ex. 6 *202-266-4937 (F)*

*[adunn@ecos.org](mailto:adunn@ecos.org)*; *Twitter @ECOSates*

*See my research: <http://ssrn.com/author=1356207>*

**Save the Date! ECOS' Spring Meeting, April 6-8, 2017, Washington, DC,**  
**[www.ecos.org](http://www.ecos.org)**

On Fri, Mar 3, 2017 at 1:50 PM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:



Hi Alex,

Would it be possible for us to have some time on the Officers' call on Wed/8<sup>th</sup> to introduce our new DAA for Intergovernmental Relations? The ink isn't dry yet but we are expecting this person to be in place on Monday/6<sup>th</sup>. 5-10 min would be great. We'd also love to get you and Cmsr Stine here to meet in person on Wednesday AM if you can swing it? Or any other time that works while he's in DC. (We're also working on your other request, stay tuned!)

We also just learned that the Administrator will not be able to join the Officers on the morning of Wed/15<sup>th</sup>; he is available to talk to the officers later that afternoon, though I know it is difficult to find time on everyone's calendars. How would you like to handle this?

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Twillman, Brian  
**Sent:** Thur 2/2/2017 10:42:10 PM  
**Subject:** RE: REMINDER: EPA's Anti Harassment Procedures Training

Layne – This is very good news. Well done!

(FYI – Don Benton and Joseph Desilets still need to do so)....

Have a good evening!

- Brian Twillman

**From:** Bangerter, Layne  
**Sent:** Thursday, February 02, 2017 5:32 PM  
**To:** Twillman, Brian <Twillman.Brian@epa.gov>  
**Subject:** RE: REMINDER: EPA's Anti Harassment Procedures Training

I completed the course and got 100% the first time!

**From:** Twillman, Brian  
**Sent:** Thursday, February 2, 2017 4:25 PM  
**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** REMINDER: EPA's Anti Harassment Procedures Training

Layne – We will reference the info below when I stop by at 5 p.m. To gain entry to the EPA eLearning site, you will use the same user ID [Bangerter.layne@epa.gov](mailto:Bangerter.layne@epa.gov) then the password you use to get into the computer and into Outlook. The session is pretty straightforward and takes 20-30 minutes.

Regards!

**Brian M. Twillman, MS-ABS - Training Coordinator and Organization Development Specialist**

**"Service First, People Always."** US EPA | Office of the Administrator | Office of Administrative and Executive Services (OAES)

WJC North | Rm 2432-Y | Mail-Code 1104-A 1200 Pennsylvania Avenue, NW, WDC 20460

202.564.5948 phone | 202.564.2744 fax |

**Personal Phone/Ex. 6**

EPA eLearning: <http://epa.skillport.com/>

HQ's OHR Site: <http://intranet.epa.gov/hrtraining/>

EPA University's List of Mandatory Training: <http://workplace.epa.gov/training.html>

[AO Sharepoint Site](#)

***"Live so that when others think of compassion, honesty and integrity, they think of you..." – Unknown***

**From:** Twillman, Brian

**Sent:** Monday, January 30, 2017 5:05 PM

**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>

**Subject:** FINAL REMINDER: EPA's Anti Harassment Procedures Training must be Completed by Tuesday, January 31, 2017

Layne – Welcome to EPA! Just wanted to check with you as this mandatory online training is to be completed by tomorrow. Given your other activities, do you expect you will have a chance to complete this by the end of the day?

●■■■■■■■■■ It takes about 30 minutes. All the instructions are listed below.

Thanks very much!

– Brian Twillman, AO's Training Coordinator, 202-564-5948 or [twillman.brian@epa.gov](mailto:twillman.brian@epa.gov)

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## **FINAL REMINDER**

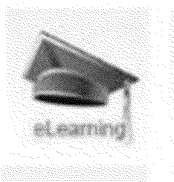
### **EPA Anti-Harassment Procedures Training**

**must be completed by all EPA managers and employees**

**by Tuesday, January 31, 2017**

#### **Announcements**

### **Update: Anti-Harassment Training is Extended to Jan. 31, 2017**



This is a reminder for EPA employees to take the 30-minute [online anti-harassment training course](#) by Jan. 31, 2017. EPA's contractors, SEE enrollees, and other non-employees **do not** have to take this course.

This course covers procedures outlined in EPA Order 4711 for reporting

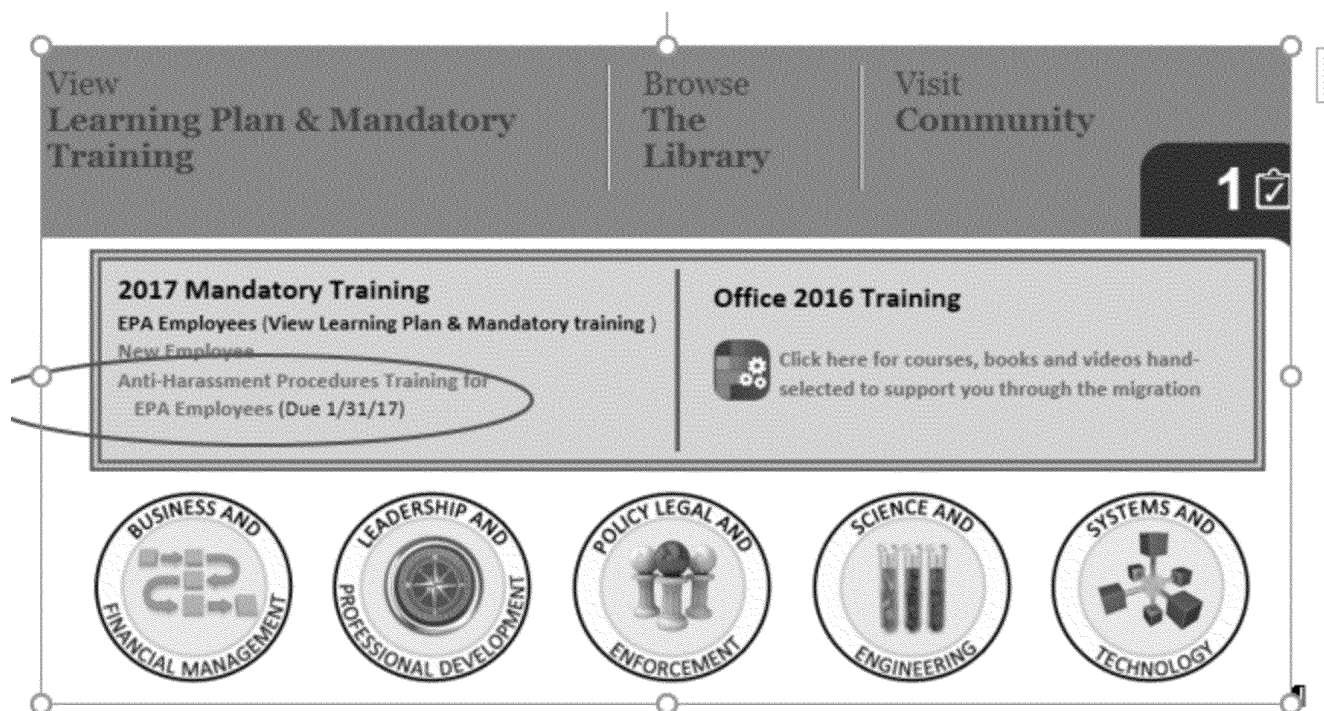
and responding to allegations of harassment within the EPA workplace. The course includes an overview of the Order, information regarding applicability, definitions, and available resources.

**According to daily reports being sent by the EPA Leadership Development Institute, you still need to complete this online training session before next Tuesday's deadline. If this is not the case and you have already taken the training, please let Brian Twillman, AO's Training Coordinator, and me know.**

**This deadline will not be extended.** To comply with this requirement, please complete this training ASAP.

### Simple steps to sign-in:

- Go to EPA's eLearning site: <http://epa.skillport.com/>
- Sign on to your Skillport eLearning site and click on the link in the red circle below and it should take you to the Anti-harassment course automatically. Let me know if you are having any problems.



•□□□□□□□ If you need assistance, please contact Brian Twillman, AO's Training Coordinator at 202-564-5948 or [twillman.brian@epa.gov](mailto:twillman.brian@epa.gov)

Thanks very much!

- Brian Twillman, A

**From:** Twillman, Brian  
**Sent:** Thursday, January 19, 2017 4:42 PM  
**To:** AO PUBLIC GROUPS <[AO\\_PUBLIC\\_GROUPS@epa.gov](mailto:AO_PUBLIC_GROUPS@epa.gov)>  
**Subject:** ALERT & REMINDER: EPA's Anti Harassment Procedures Training must be Completed by Tuesday, January 31, 2017

*This message is being sent to everyone in the Office of the Administrator via AO Public Groups*

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**Hello Everyone** – On behalf of the Agency, the EPA Leadership Development Institute is maintaining a list of everyone who has completed this training and those who have not yet accessed the training via EPA eLearning. This list is being updated and distributed to members of the HR and training community each day.

There are about 60 employees in the Office of the Administrator AO who have yet to access or begin the course. If you have yet to do so, please be sure to complete this online course as soon as possible....and, certainly on or before the January 31, 2017 deadline.

## **Announcements**

### **Update: Anti-Harassment Training**

# is Extended to Jan. 31, 2017



This is a reminder for EPA employees to take the 30-minute online anti-harassment training course by Jan. 31, 2017. EPA's contractors, SEE enrollees, and other non-employees **do not** have to take this course.

This course covers procedures outlined in EPA Order 4711 for reporting and responding to allegations of harassment within the EPA workplace. The course includes an overview of the Order, information regarding applicability, definitions, and available resources.

**Need Help:** If you have any questions or need assistance, please contact me.

**Brian M. Twillman, MS-ABS** - Training Coordinator and Organization Development Specialist

**"Service First, People Always."** US EPA | Office of the Administrator | Office of Administrative and Executive Services (OAES)

WJC North | Rm 2432-Y | Mail-Code 1104-A 1200 Pennsylvania Avenue, NW, WDC 20460

202.564.5948 phone | 202.564.2744 fax | **Personal Phone/Ex. 6**

EPA eLearning: <http://epa.skillport.com/>

HQ's OHR Site: <http://intranet.epa.gov/hrtraining/>

EPA University's List of Mandatory Training: <http://workplace.epa.gov/training.html>

[AO Sharepoint Site](#)

**"Live so that when others think of compassion, honesty and integrity, they think of you..."** – Unknown

**"Life is perpetual instruction in cause and effect."** – Ralph Waldo Emerson





**From:** Penman, Crystal

**Location:** 3233 WJCE

**Importance:** High

**Subject:** Canceled: Briefing on WA, ID, and ME prior to OGC briefing the New Legal Advisor Call in 1-

Non-responsive Conference Code/Ex.6 passcode 2 Non-responsive Conference Code/Ex.6

**Start Date/Time:** Thur 2/2/2017 9:30:00 PM

**End Date/Time:** Thur 2/2/2017 10:30:00 PM

Briefing on WA, ID, and ME prior to OGC Briefing the New Legal Advisor.pdf

ME WA ID Briefing for Mike S Feb 2 2017.docx

**Office of Water Meeting Request Form**

Date Received in OW: \_\_\_\_\_

**OFFICE OF WATER MEETING REQUEST FORM**

FOR: Michael Shapiro ☒ Benita Best-Wong ☒

Subject: Briefing on WA, ID, and ME prior to OGC briefing the New Legal Advisor

Meeting Requested By: Sara Hisel-McCoy *SHM* Date: 1/27/2017

Office Director Approval: Elyse Southland Date: 1/30/17

Date Staff will be ready for this meeting by: Thursday, 2/2/2017

Latest date meeting can happen by: Thursday, 2/2/2017

Time Needed for meeting: 20 Minutes \_\_\_\_\_ 45 Minutes \_\_\_\_\_ 1 Hour ☒ Other \_\_\_\_\_

**Purpose of the meeting:** As early as 4/10 EPA/DOJ will need to file our merits briefing in the ME Tribal Treaty WQS litigation. This is driving a desire in OGC to brief Justin Schwab on all three of our tribal treaty/state WQS actions. I have asked OGC to hold off on that briefing to allow us to pre-brief you before OGC briefs Justin. In the pre-brief with you, we can also discuss who from OW should participate in the OGC briefing and when/how we should coordinate briefing the OW Beach Head folks.

AA decision expected?  
Yes \_\_\_\_\_ No \_\_\_\_\_

Provide AA with information?  
Yes ☒ No \_\_\_\_\_

What specifically is to be decided or presented? Why is a meeting needed?

To discuss Maine tribal Treaty WQS Litigation prior to OGC presenting to the new Legal Advisor

**Who will attend the meeting?**

**Mandatory Attendees (Give Full Names as listed in Outlook and Identify Office):**

OST: Betsy Southerland, Sara Hisel-McCoy, Corey Buffo, Erica Fleisig, Jenner Brundage, Tanja Crk,

OGC: Lee Schroer, Peter Ford

R1: Ken Moraff, Ann Williams, Timothy Williamson,

R10: Dan Opalski, Angela Chung, Endre Szalay

**Optional Attendees (Give Full Names as listed in Outlook and Identify Office – please copy your own office's Special Assistant):** Octavia Conerly

**AA/DAA Conference Technology** - Please check all that apply:

- **Presentation** (e.g., PowerPoint or video file(s) uploaded to computer) \_\_\_\_\_
- **Conference Call Line**   X
- **VTC** \_\_\_\_\_ [VTC location(s) (i.e., Region and room number) and a VTC contact person(s) must be provided to the OW-IO Schedulers no later than **24 hours in advance** of the meeting. If known at the time the meeting request form is submitted, please provide this information below.]

**Conference line to use for phone-in attendees: Please use Mike Shapiro's conference number**

*(NOTE: If your meeting will require a conference call line, please request that a conference call number be added to your meeting request form. It is recommended that you request that the OW IO scheduler use the conference call number for the appropriate OW manager being briefed, (i.e., Joel, Mike, or Ellen). If the program office chooses to use different conference call number for the meeting, the meeting POC will be responsible for opening the conference line with the appropriate PIN number.)*

**Person Providing Agenda for the Meeting:**

**Name:** Erica Fleisig **Phone:** 202.566.1057

**Person Providing Briefing Material (if any) for the Meeting:**

**Name:** Octavia Conerly **Phone:** 202.566.1094

All meeting materials are due in BOTH hard copy and electronic copy no later than 3:00 p.m. the day before the meeting, unless the meeting is schedule too late to allow this.

- **Email all electronic copies to owbriefings@epa.gov**, which submits the meeting materials to the OW-IO Schedulers, the OW Special Assistant, and OW Managing Director, lead program office Senior Regulatory Manager). One of the OW-IO Schedulers will attach the electronic materials to the meeting invite, if appropriate.
- **Deliver hard copies to:**
  - **Crystal Penman** (DAA and Senior Policy Advisor Scheduler): 3219 WJC East for Joel Beauvais and Ellen Gilinsky,
  - **Crystal Edwards** (DAA Scheduler): 3223 WJC East for Mike Shapiro.

Completed, approved OW Meeting Request Forms should be emailed by your Program Office's Scheduler to owscheduling@epa.gov.

**Briefing on Human Health Water Quality Standards in Washington, Maine, and Idaho**  
**February 2, 2017**

**Topic:** State-Specific Water Quality Standards (WQS) Actions in Washington, Maine, and Idaho

**Upcoming Milestones:**

**Washington:** The federal WQS are now in effect for Clean Water Act (CWA) purposes. There is no current litigation.

**Maine:** EPA's opening merits brief in Maine's challenge to our decisions on the state's WQS as applied to tribal waters could be due as early as **April 2017**. Federal WQS are now in effect for CWA purposes in such waters. Maine has challenged our Feb 2015 disapprovals but not the ensuing federal promulgation.

**Idaho:** EPA is under settlement agreement with the Idaho Conservation League to either approve Idaho's WQS (submitted on December 13, 2016), or sign a notice of proposed federal rulemaking for Idaho within six months of Idaho's submission, by June 13, 2017 (considering 90-day OMB review, a draft proposed rule would need to be prepared by early March 2017). In addition to the settlement agreement, under the CWA, EPA has a mandatory duty to either approve a state's WQS within 60 days from the date of submission (Feb 13<sup>th</sup>, in this instance), or disapprove within 90 days from the date of submission (March 13<sup>th</sup>, in this instance).

**General Background:**

**CWA Statutory Background:**

- CWA section 101(a)(2) establishes the national goal that water quality should provide for the protection and propagation of fish, shellfish, and wildlife, and recreation in and on the water.
- CWA section 303(c) directs states to adopt WQS for their waters subject to the CWA.
- To protect people from cancer and non-cancer effects from pollutants in drinking water and fish and shellfish, states must establish human health criteria (HHC) for their waters that are designated for such uses.
- EPA's regulations at 40 CFR 131.11(a)(1) provide that "[s]uch criteria must be based on sound scientific rationale and must contain sufficient parameters or constituents to protect the designated use. For waters with multiple use designations, the criteria shall support the most sensitive use."
- Any new or revised WQS must be submitted to EPA for review and approval or disapproval.
- If EPA disapproves a state or tribe's new or revised WQS, the CWA provides the state or tribe 90 days to adopt a revised WQS that meets CWA requirements, and if it fails to do so, EPA shall promptly propose and then within 90 days promulgate such standard unless EPA approves a state or tribe's replacement WQS first.
- CWA section 303(c)(4)(B) authorizes the Administrator to determine that a new or revised standard is needed to meet CWA requirements. Upon making such a necessity determination, the CWA specifies that EPA shall promptly propose, and then within 90 days promulgate, any such new or revised standard unless prior to such promulgation, the state or tribe has adopted a revised or new WQS that EPA determines to be in accordance with the CWA.
- EPA periodically publishes water quality criteria recommendations under CWA section 304(a) for states to consider adopting into their WQS to protect these uses.
- CWA section 303(c)(2)(B) requires states to adopt numeric water quality criteria for all

priority toxic pollutants for which EPA has published CWA section 304(a) criteria recommendations.

**Tribal Treaty Rights:**

- Under the Supremacy Clause of the U.S. Constitution, federal treaties with Indian tribes have the same legal force as federal statutes. Through treaties, tribes reserved rights they possessed, including rights to natural resources, such as hunting, fishing, and gathering rights on Indian reservations and/or off-reservation.
- While treaties do not expand EPA's authority, they are binding on the federal government (and states). Accordingly, EPA has an obligation to ensure that its actions do not conflict with tribal treaty rights.
- While federal statutes should generally be read in harmony with federal treaties where they both apply, CWA section 511 specifically provides that the Act “shall not be construed as . . . affecting or impairing the provisions of any treaty of the United States.”
- In a February 2015 written legal opinion from the Solicitor of the U.S. Department of the Interior (DOI) to EPA analyzing whether tribal reserved fishing rights include subsidiary rights to sufficient water quality, DOI ultimately concluded that “fundamental, longstanding tenets of federal Indian law support the interpretation of tribal fishing rights to include the right to sufficient water quality to effectuate the fishing right.”

**Framework for EPA’s Decisions:**

## Ex. 5 - Deliberative Process

**Washington:**

- In 1992, EPA promulgated the National Toxics Rule (NTR) at 40 CFR 131.36, establishing chemical-specific numeric criteria for 14 states and territories, including Washington, that were not in compliance with CWA section 303(c)(2)(B). EPA derived the HHC in the NTR based on available national data at the time, which indicated that people ate, on average, 6.5 g/day of fish.
- Until 2016, the federal HHC in the NTR remained applicable to Washington’s waters.

- Over several years, EPA worked with the Washington State Department of Ecology to consider establishing new WQS based on a more realistic estimate of the amount of fish Washingtonians eat and thus the pollutants they are exposed to.
- The state of Washington missed several public commitments to adopt protective HHC (and to revise certain implementation tools (e.g., variances and compliance schedules)). Consequently, EPA determined pursuant to CWA section 303(c)(4)(B) that revised HHC are necessary and proposed revised HHC for Washington on September 14, 2015.
- On March 1, 2016, Puget Soundkeeper Alliance *et al.* asked a court to order EPA to finalize its proposed rule within 30 days.
- On August 1, 2016, Washington submitted to EPA for review under CWA section 303(c) HHC for certain pollutants, based on new data and information, along with revised implementation tools.
- On August 3, 2016, the court ruled that EPA had until November 15, 2016 to act on Washington's submittal and/or finalize the federal rule.
- Consistent with 40 CFR 131.11, EPA reviewed Washington's HHC to determine whether they were protective of Washington's applicable designated uses (DUs) and based on sound scientific rationale.
- In order to give effect to both the CWA and the tribal treaty rights, EPA interpreted WA's fish and shellfish harvesting use to include subsistence fishing. EPA then identified the tribes as the target general population for protection under that portion of the use.
- While Washington and EPA agreed that the HHC should be based on a FCR of 175 g/day and a cancer risk level of  $10^{-6}$ , EPA concluded that Washington did not use the most recent science on bioaccumulation and did not adequately account for other sources of exposure (through the relative source contribution value) when developing its HHC.
- Where Washington's criteria were as stringent as or more stringent than criteria the EPA determined would be protective of the state's DUs and scientifically defensible, using appropriate inputs, EPA approved those HHC. EPA disapproved the other HHC in Washington's submittal as they were not based on sound science and not sufficiently protective of the applicable DUs.
- In accordance with the court order, EPA took action on November 15, 2016, approving 45 HHC submitted to EPA by Washington, and issued a final rule that revised 144 additional HHC applicable to Washington's waters. EPA also approved Ecology's revisions to its variance and compliance schedule provisions, which give the state and affected industries and municipalities reasonable flexibility and time to implement these new standards while making reasonable progress in improving water quality.
- EPA's economic analysis for the rule estimated a total compliance cost of approximately \$126,000 to \$150,000 per year for all major dischargers in Washington.
- The combination of EPA's final rule and EPA's action on the state's submittal ensures that the HHC are set at levels consistent with the best available science, including local and regional information, as well as applicable EPA policies, guidance, and legal requirements, to protect Washington fish consumers from exposure to toxic pollutants.
- On December 28, 2016, the WQS became effective for CWA purposes.

#### **Maine:**

- Until 2015, EPA had never approved any Maine WQS for waters in Indian lands, which are a small fraction of all the waters in Maine.

- In 2014 the state of Maine sued EPA to make approval or disapproval decisions on all backlogged WQS. EPA analyzed relevant federal and state statutes that settled litigation over Indian land claims between the state of Maine and the four federally recognized Indian tribes located in Maine and concluded that the statutes grant Maine the authority to establish WQS for waters in Indian lands. This is a very unusual arrangement – typically states do not exercise CWA jurisdiction over Indian reservation waters.
- EPA and the DOI legal opinion also concluded that the applicable settlement acts reflect Congress’ intent that the tribes in Maine must be able to engage in sustenance fishing to preserve their culture and lifeways.
- In order to give effect to both tribal sustenance fishing rights and the CWA, EPA harmonized them by interpreting and approving Maine’s “fishing” DU to include sustenance fishing for all waters in Indian lands, and approved a provision in the state settlement act as a DU of sustenance fishing applicable to certain reservation waters.
- In February 2015, EPA disapproved Maine’s HHC for waters in Indian lands on grounds that the HHC were not adequately protective because they relied upon the state-wide FCR of 32.4 g/day (approx. 1 oz.). An anthropological/historical Maine tribal study indicates that a reasonable unsuppressed sustenance fish consumption rate for Maine tribes is 286 g/day (approx. 10 oz.). In March and June 2015, EPA also disapproved six additional WQS for waters in Indian lands and three WQS state-wide because they were not based on the latest science and were not protective of DUs. At the same time, EPA approved the large majority of Maine’s WQS as applied to waters in Indian lands.
- Maine did not move forward to remedy EPA’s disapprovals.
- Consequently, EPA proposed certain federal WQS for Maine on April 11, 2016, including 96 HHC applicable to tribal waters.
- After responding to comments on EPA’s proposed rule, in December 2016, EPA promulgated final federal WQS in Maine. EPA promulgated the HHC for tribal waters using a FCR of 286 g/day, concluding it is a reasonable contemporary sustenance FCR for the tribes based on the anthropological/ historical study of the tribes in Maine.
- EPA’s economic analysis for the rule showed that only one discharger may need a more stringent permit limit as a result of EPA’s promulgation of the 96 HHC, with an estimated compliance cost of \$28,000 - \$43,000 per year.
- On January 18, 2017, the WQS became effective for CWA purposes.
- Maine has challenged our Feb 2015 disapprovals but not the ensuing federal promulgation. Specifically, Maine is challenging EPA’s assertion that prior approvals of state standards did not cover Indian Country. Maine also disagrees with EPA’s position that we must harmonize WQS under the CWA with the tribes’ sustenance fishing rights reserved in the settlement acts, and our approval of those rights as a DU.

#### **Idaho:**

- Following up on EPA’s 2012 disapproval of Idaho’s then revised HHC, on December 13, 2016, Idaho submitted revised HHC to EPA.
- Currently, the Agency is reviewing Idaho’s submittal for consistency with the CWA and EPA’s implementing regulations. Pursuant to a settlement agreement, EPA must either approve Idaho’s HHC or sign a notice of proposed federal HHC by June 13, 2017.
- On January 19, 2017, EPA sent a letter to Idaho, identifying several preliminary concerns

about whether Idaho's HHC would adequately protect fish consumers in Idaho and in downstream states.

- EPA preliminary review indicates that DEQ did not adequately address the following: how the revised HHC are protective of tribal members exercising treaty-reserved fishing rights; justification of the selected FCR of 66.5 g/day and cancer risk level of  $10^{-5}$  (1 in 100,000); and, how the revised WQS ensure downstream protection.
- In addition to the settlement agreement, under the CWA, EPA has a mandatory duty to either approve a state's WQS within 60 days from the date of submission (Feb 13<sup>th</sup>, in this instance), or disapprove within 90 days from the date of submission (March 13<sup>th</sup>, in this instance).
- The goal is establishment of final water quality criteria in Idaho that protect high fish consumers, including tribes with treaty-reserved rights, consistent with the water quality approach for HHC among Oregon, Washington, and Maine.
- Pursuant to EPA's Policy on Consultation and Coordination with Indian Tribes and consistent with the federal government's trust responsibility, the EPA has hosted a number of consultation and coordination meetings with the Idaho tribal governments and EPA committed to continue consulting as we work towards our final action on Idaho's new and revised HHC.



**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Ed Thomas  
**Sent:** Thur 2/2/2017 7:13:28 PM  
**Subject:** RE: Ag Coffee Meeting

Thank-you. I know you are very aware but wanted to make sure you knew that some of the EPA staff **seriously** mischaracterized information presented in the meeting yesterday – just want to make sure the transition team asks the critical underlying questions when career staff are presenting their findings to the new Administrator and Office of Water Assistant Administrator.

Ed.

\*\*\*\*\*

Ed Thomas

Director, Regulatory Affairs

The Fertilizer Institute

425 Third Street, SW Suite 950

Washington, DC 20024

(p) 202-515-2714

(c) Personal Phone/Ex. 6

**From:** Bangerter, Layne [mailto:bangerter.layne@epa.gov]  
**Sent:** Thursday, February 02, 2017 1:48 PM  
**To:** Ed Thomas <ethomas@tfi.org>  
**Subject:** RE: Ag Coffee Meeting

Good to meet you Ed. It is possible we can have someone there, but not until the Administrator is confirmed so stay in touch!

Layne Bangerter

**From:** Ed Thomas [<mailto:ethomas@tfi.org>]  
**Sent:** Thursday, February 2, 2017 12:43 PM  
**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** Ag Coffee Meeting

Layne:

It was a pleasure meeting you yesterday at the EPA Ag “coffee” stakeholder meeting.

I recognize the importance of getting Attorney General Pruitt confirmed and able to direct the Agency in accordance with President Trumps agenda. However, I wanted to reach out to you to reiterate The Fertilizer’s Institute strong support for Mr. Pruitt. As discussed, I would like to keep in touch as time draws closer to our Government Affairs Committee Meeting on February 28, 2017 for the potential to have someone from the EPA transition team to brief our members. I realize you and your staff time is extremely limited and this may not be a possibility.

We are anxious to continue our work supporting farmers and improving water quality on a voluntary basis utilizing the 4R nutrient stewardship program (Using the right source of fertilizer, at the right rate, at the right time, and in the right place). In 2015, our members employed 1,127 Certified Crop Advisers and have more than 2.3 million acres in the Western Lake Erie Basin alone have been certified under the 4R nutrient stewardship program.

Thanks again for all your hard work and dedication to listening the agricultural community.

Sincerely,

Ed Thomas

\*\*\*\*\*

Ed Thomas

Director, Regulatory Affairs

The Fertilizer Institute

425 Third Street, SW Suite 950

Washington, DC 20024

(p) 202-515-2714

(c) 4 Personal Phone/Ex. 6

**To:** Richardson, RobinH[Richardson.RobinH@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]  
**Cc:** Bangerter, Layne[bangerter.layne@epa.gov]; Cook-Shyovitz, Becky[Cook-Shyovitz.Becky@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Tue 2/21/2017 10:30:28 PM  
**Subject:** RE: SCH Request

Thanks Robin!

Looping Becky as well.

M. Arnita Hannon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Phone/Ex. 6**

202.501.1545 (Fax)

hannon.arnita@epa.gov

**From:** Richardson, RobinH  
**Sent:** Tuesday, February 21, 2017 5:27 PM  
**To:** Bowles, Jack <Bowles.Jack@epa.gov>; Hannon, Arnita <Hannon.Arnita@epa.gov>  
**Cc:** Bangerter, Layne <bangerter.layne@epa.gov>  
**Subject:** FW: SCH Request

Hi Jack & Arnita – FYI...A request from the Governor of Alaska, Bill Walker, to meet with the

Administrator while he is here this week. Thank you! Robin

-----  
Robin H Richardson

Principal Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-3358 (desk)

Personal Phone/Ex. 6 (cell)

[richardson.robinh@epa.gov](mailto:richardson.robinh@epa.gov)

**From:** Benton, Donald

**Sent:** Tuesday, February 21, 2017 5:20 PM

**To:** Mason, Janice L (GOV) <[janice.mason@alaska.gov](mailto:janice.mason@alaska.gov)>

**Cc:** Hale, Michelle <[hale.michelle@epa.gov](mailto:hale.michelle@epa.gov)>; Richardson, RobinH  
<[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>

**Subject:** RE: SCH Request

Janice, The Western Governors are coming to the agency on Sunday the 26<sup>th</sup> at 2:30 for a group meeting. Will the Governor be attending.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



**From:** Mason, Janice L (GOV) [<mailto:janice.mason@alaska.gov>]

**Sent:** Tuesday, February 21, 2017 4:24 PM

**To:** Benton, Donald <[benton.donald@epa.gov](mailto:benton.donald@epa.gov)>

**Subject:** SCH Request

**Importance:** High

Good Day Don,

Governor Bill Walker (Alaska) would like to request a meeting with EPA Administrator Scott Pruitt, when the Governor is in DC this week. I have also submitted this request thru NGA as they have blocked a time on Sunday, 02.26.17 – 3:00-4:30 p.m. for these meetings.

**Janice Mason**

*Executive Scheduler*

*Office of Governor Bill Walker*

Alaska State Capitol Building

Juneau, Alaska 99811

PHONE: 907.465.3500

FAX: 907.465.3889

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Layne Bangerter  
**Sent:** Thur 2/2/2017 6:54:34 PM  
**Subject:** Fw: Out of Texting coverage for Christmas

Sent from Yahoo Mail on Android

On Fri, Dec 23, 2016 at 2:58 PM, Layne Bangerter

<[Personal Email/Ex. 6]> wrote:

Thanks and Merry Christmas!

Sent from Yahoo Mail on Android

On Fri, Dec 23, 2016 at 6:16 AM, [Citizen Name/Ex. 6]

[Personal Email/Ex. 6] > wrote:

Hey Layne,

I just realized that I did not mention that I am in Montreal for Christmas. And that means that my Verizon cell phone does not work.

I am monitoring emails and my 'voice' messages, however I have no way to retrieve 'text' messages until I get back to the States.

Hope you have a Great Christmas.

Cheers,

[Citizen Name/Ex. 6]

[Personal Address/Ex. 6]

**TRUMP**  
**MAKE AMERICA GREAT AGAIN!**



**To:** Bowles, Jack[Bowles.Jack@epa.gov]; Hannon, Arnita[Hannon.Arnita@epa.gov]  
**Cc:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Richardson, RobinH  
**Sent:** Tue 2/21/2017 10:26:47 PM  
**Subject:** FW: SCH Request

Hi Jack & Arnita – FYI...A request from the Governor of Alaska, Bill Walker, to meet with the Administrator while he is here this week. Thank you! Robin

-----  
Robin H Richardson

Principal Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-3358 (desk)

Personal Phone/Ex. 6 (cell)

richardson.robinh@epa.gov

**From:** Benton, Donald  
**Sent:** Tuesday, February 21, 2017 5:20 PM  
**To:** Mason, Janice L (GOV) <janice.mason@alaska.gov>  
**Cc:** Hale, Michelle <hale.michelle@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>  
**Subject:** RE: SCH Request

Janice, The Western Governors are coming to the agency on Sunday the 26<sup>th</sup> at 2:30 for a group meeting. Will the Governor be attending.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



**From:** Mason, Janice L (GOV) [<mailto:janice.mason@alaska.gov>]

**Sent:** Tuesday, February 21, 2017 4:24 PM

**To:** Benton, Donald <[benton.donald@epa.gov](mailto:benton.donald@epa.gov)>

**Subject:** SCH Request

**Importance:** High

Good Day Don,

Governor Bill Walker (Alaska) would like to request a meeting with EPA Administrator Scott Pruitt, when the Governor is in DC this week. I have also submitted this request thru NGA as they have blocked a time on Sunday, 02.26.17 – 3:00-4:30 p.m. for these meetings.

**Janice Mason**

*Executive Scheduler*

*Office of Governor Bill Walker*

Alaska State Capitol Building

Juneau, Alaska 99811

PHONE: 907.465.3500

FAX: 907.465.3889



**To:** Bangerter, Layne[bangerter.layne@epa.gov]; Benton, Donald[benton.donald@epa.gov]  
**From:** Davis, Patrick  
**Sent:** Thur 2/2/2017 6:29:56 PM  
**Subject:** FW: further to the meeting with Chairman Calvert

Fyi

**From:** Breen, Barry  
**Sent:** Thursday, February 2, 2017 11:34 AM  
**To:** Davis, Patrick <davis.patrick@epa.gov>  
**Subject:** further to the meeting with Chairman Calvert

Dear Patrick,

It was good to talk to you again yesterday afternoon.

We are hearing that the briefing for Chairman Calvert is likely to be on Monday afternoon from 1:00 to 2:30. OLEM topics would be the third of three segments, each about a half hour total.

As part of OLEM's half hour, so far the Chairman's staff has indicated interest in both Superfund and Brownfields. David Lloyd (the Brownfields office director) is on track to join me in the briefing.

I'm also hearing the usual 1:00 Monday agency senior staff meeting is getting changed to 3:00.

Barry



**To:** Richardson, RobinH[Richardson.RobinH@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Benton, Donald  
**Sent:** Tue 2/21/2017 10:14:07 PM  
**Subject:** governors meeting this Sunday

Robin, Can you please secure the details for the Western governors conference this Sunday here. I need time, length of event, etc and an agenda for the meeting.

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Howard, James  
**Sent:** Tue 2/21/2017 10:00:13 PM  
**Subject:** Re: My problem was solved! Thanks for checking on me

Yes Sir. Perfect!!!!

Have a great day.

“Service First, People Always”

James T. Howard

Howard.James@EPA.GOV

Information Management Official

National Security Information Representative

Office of the Administrator

202-564-0407 (office)

Personal Phone/Ex. 6 (IPhone)

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On Feb 21, 2017, at 4:48 PM, Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)> wrote:





**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Ed Thomas  
**Sent:** Thur 2/2/2017 5:42:50 PM  
**Subject:** Ag Coffee Meeting

Layne:

It was a pleasure meeting you yesterday at the EPA Ag “coffee” stakeholder meeting.

I recognize the importance of getting Attorney General Pruitt confirmed and able to direct the Agency in accordance with President Trumps agenda. However, I wanted to reach out to you to reiterate The Fertilizer’s Institute strong support for Mr. Pruitt. As discussed, I would like to keep in touch as time draws closer to our Government Affairs Committee Meeting on February 28, 2017 for the potential to have someone from the EPA transition team to brief our members. I realize you and your staff time is extremely limited and this may not be a possibility.

We are anxious to continue our work supporting farmers and improving water quality on a voluntary basis utilizing the 4R nutrient stewardship program (Using the right source of fertilizer, at the right rate, at the right time, and in the right place). In 2015, our members employed 1,127 Certified Crop Advisers and have more than 2.3 million acres in the Western Lake Erie Basin alone have been certified under the 4R nutrient stewardship program.

Thanks again for all your hard work and dedication to listening the agricultural community.

Sincerely,

Ed Thomas

\*\*\*\*\*

Ed Thomas

Director, Regulatory Affairs

The Fertilizer Institute  
425 Third Street, SW Suite 950  
Washington, DC 20024

(p) 202-515-2714

(c) **Personal Phone/Ex. 6**

**From:** Hannon, Arnita  
**Location:** HQ-Room-WJCN-2530-50pp  
**Importance:** Normal  
**Subject:** Meeting: City of Milwaukee, WI Local Officials: Re: Water Challenges Facing the City  
**Start Date/Time:** Tue 3/28/2017 5:00:00 PM  
**End Date/Time:** Tue 3/28/2017 5:30:00 PM  
Lead Water Power Point EPA-EDIT.pdf

Non-responsive Conference Code/Ex.6

Attaching Power Point for Today's Meeting. Just sent over. Thanks all!

Non-responsive Conference Code/Ex.6

Meeting: City of Milwaukee Local Officials: Department of Public Works Commissioner  
Ghassan Korban (biography  
here: <http://city.milwaukee.gov/mpw/general/MeetTheCommissioner.htm#.WNWQONIrK70>);  
Director of Intergovernmental Relations Jen Gonda

**Re: City's Water Challenges**

Note: The officials are in town for the AMWA Conference

Leads: Office of Water; Region V

**From:** Penman, Crystal  
**Location:** DCRoomEast2369B/DC-ICC-OW-IO  
**Importance:** Normal  
**Subject:** WOTUS Call in **Non-responsive Conference Code/Ex.6**  
**Start Date/Time:** Wed 9/27/2017 2:00:00 PM  
**End Date/Time:** Wed 9/27/2017 2:45:00 PM  
Agenda -- WOTUS 27 Sept 2017 final.docx

**To:** Eargle, Frances[Eargle.Frances@epa.gov]; Lyons, Troy[lyons.troy@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]; Banks, Portia[Banks.Portia@epa.gov]; Scott, Sonya[scott.sonya@epa.gov]  
**From:** Bowles, Jack  
**Sent:** Mon 9/25/2017 9:38:47 PM  
**Subject:** RE: FY2017 LGAC Annual Report-Your LGAC at Work!

Thank you Fran. This is a great report out reflecting a tremendous amount of excellent work over the FY. Props to the LGAC team and the members!

Best,

Jack

**From:** Eargle, Frances  
**Sent:** Monday, September 25, 2017 5:26 PM  
**To:** Lyons, Troy <lyons.troy@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>; Matthews, Demond <matthews.demond@epa.gov>; Banks, Portia <Banks.Portia@epa.gov>; Scott, Sonya <scott.sonya@epa.gov>  
**Subject:** FY2017 LGAC Annual Report-Your LGAC at Work!

Dear OCIR Management Team,

The LGAC Team has just completed the Comprehensive Annual Federal Advisory Committee Act reporting for FY2017. We wanted to share with you a brief overview of the LGAC 2017 Highlights. (see below).

*It truly has been a record year!* We had record Membership of **39 Members**. The LGAC and SCAS convened **six (6) public meetings**-all well attended, including Senior Management, EPA Regions and public participants. The LGAC published a record **three (3) Reports** in one year!! The Committee also put forward **four (4) letters of recommendation**. The Reports and letters contained **235 recommendations**. These recommendations covered very important national priorities such as clean and safe drinking water and Waters of the U.S.-*a top priority of*

*Administrator Pruitt!*

Your LGAC is hard at work, and working it, with a cost-savings to the government as well. The Committee Reports and consensus recommendations were accomplished by remote meetings *only*. No face-to-face meetings were held in FY2017. If you stop to think the time it takes for these Members to be briefed on the issues and then the time to reach consensus on these really important issues (among a diverse group of elected and appointed officials). It is truly amazing! And then adding they reached this consensus via teleconferences-all the more amazing. And it saved the government considerably on (travel) funds. We were able to utilize more technology such as Adobe connect which has greatly helped. And we published the Reports in-house and all record keeping was accomplished in-house. *(If contractors were used it runs approximately \$5-8K on average for a meeting summary). Additionally, contractual support for the three Reports could run approximately \$35K-75K per Report or more).*

In addition, the LGAC serves as a model committee to other EPA federal advisory committees (FACs). Just recently we were invited to talk about the LGAC Membership process and how we use criteria scoring and ranking. This is something other EPA FACs are interested in.

As we close out the FY2017 year, we really thank **each of you** for taking the time out of your extremely busy schedules to make time to participate in the LGAC meetings and engage with LGAC Members. Your time was well spent as the LGAC Members very much appreciated getting to know you. ***It shows in their work!***

And from Demond Matthews, Portia Banks, Sonya Scott we all say, ‘*Thank you!*’ *We are truly grateful for this great Team! And especially grateful to our dedicated LGAC Members past and present who work tirelessly “to make their communities a great place to live and grow.”*

*And we just very much appreciate the tremendous OCIR Management support for the LGAC and the LGAC Team!!! It would not have been possible without you! Looking ahead to FY2018!*

*In gratitude-*

Fran Eargle

DFO

202-564-3115



## EPA'S Local Government Advisory Committee

### FY2017 REPORT OUT

The Federal Advisory Committee Act (FACA) requires Annual Reporting of its progress in the GSA Database. Here are highlights of our FY2017 Report. \_\_\_\_\_

The **LGAC** convened **three (3) public meetings** (via teleconference) which were advertised in the Federal Register. These meetings were held on:

- **October 7, 2016-** The purpose of this meeting was to deliberate and take actions on recommendations on what EPA should consider (from the perspective of local governments) in a National Drinking Water Plan.
- **January 13, 2017-** The purpose of this meeting was to discuss and take action on a Biannual Report-2015-2017. This report highlights the success of the LGAC's input to the agency on priority issues; important priority recommendations; enhanced intergovernmental participation and the agency's response to their work.
- **June 29, 2017-** The purpose of this meeting was to deliberate, take public comment and take action on a Draft Waters of the U.S. Report.

The **SCAS** also met in **three (3)** meetings which gave valuable input on LGAC issues from small community perspectives.

Each of these meetings were held in compliance with FACA regulations publishing the announcement of the meetings 15 days in advance; time for public comment; and a meeting summary be made available to the public within 90 days.

Each of these meetings included participation from a variety of intergovernmental stakeholders including many local government officials and national intergovernmental organizations.

The LGAC & SCAS Workgroups held **27 meetings** to deliberate on the various LGAC charges. **Six (6)** of these meetings which were held by the Water Workgroup also held public meetings to get input from other elected officials and national intergovernmental organizations.

There were **two (2) LGAC Administrative meetings** held to introduce new Administration's OCIR Management Team.

The LGAC published **three (3) major Reports** during FY2017.

There were a total of **235 recommendations** contained within the reports.

The Reports included:



July 13, 2017, A Report to the Administrator entitled, “EPA’s Local Government Advisory Committee’s ‘Waters of the U.S.’ Report” (PDF)- The Report highlights compelling recommendations to Administrator Pruitt’s priority of Waters of U.S. The Report provides both policy perspective and specific responses to the charge that can help guide the EPA in moving forward with rulemaking.

January 18, 2017, A Report to the Administrator entitled EPA's Local Government Advisory Committee: Biannual Report 2015-2016 (PDF)- This Report covers many of the detailed findings and recommendations of the Committee (2015-2017) advanced to EPA to consider within its major programs, rules, grants and sustainability and mission objectives. The LGAC’s work assisted EPA in bringing practical, strategic and pragmatic advice to its crucial mission of protecting the environment and public health for all of our citizens.

October 26, 2016, A Report to the Administrator entitled, Clean and Safe Drinking Water: EPA's Local Government Advisory Committee's Findings and Recommendations (PDF)- The Report highlights LGAC recommendations to assist the EPA on the development of the National Drinking Water Action Plan in a step towards strengthening the federal-local partnerships that are needed to succeed in delivering on the commitment of safe, clean and affordable drinking water across the nation.

The LGAC had record membership of **39 Members**.

The LGAC had a Membership package go forward in January 2017 which reappointed four (4) Current Members and gave ‘Thank You’ letters to three (3) Members whose terms expired.

OCIR launched a 2017 Membership solicitation to recruit new Members to fill 2017 vacancies.

This solicitation process resulted in a robust and diverse nominee pool of **69 nominees** from a wide perspective of city, county, state, and tribal elected and appointed officials. It also resulted in the most agricultural sector nominees -three (3) state agricultural commissioners- and the most tribal nominees the LGAC has ever had (seven 7 nominees).

The LGAC Membership process is currently in the process of ranking and vetting candidates and a Senior Management briefing to be held on **October 5<sup>th</sup>**.

-

**To:** Pat Kole[Patrick.Kole@potato.idaho.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** John Keeling[johnk@nationalpotatocouncil.org]  
**From:** Kam Quarles  
**Sent:** Thur 2/2/2017 5:02:55 PM  
**Subject:** RE: Options for Layne - National Potato Council

Hi Layne

Just following-up on Pat's email. It would be terrific if you could speak to our group at 4:30 pm on Monday, February 13<sup>th</sup>. 30 minutes with Q&A would work very well.

Thank you very much for considering this request.

Sincerely,

Kam Quarles

Vice President, Public Policy

National Potato Council

1300 L Street, N.W., Suite 910

Washington, D.C. 20005

(202) 682-9456 office Personal Phone/Ex. 6 cell

**From:** Patrick Kole [mailto:Patrick.Kole@potato.idaho.gov]  
**Sent:** Wednesday, January 25, 2017 5:07 PM  
**To:** bangerter.layne@epa.gov  
**Cc:** John Keeling <johnk@nationalpotatocouncil.org>; Kam Quarles <Kamq@nationalpotatocouncil.org>  
**Subject:** FW: Options for Layne

Dear Layne,

Please see below. I agree that Tuesday would be best in terms of addressing the group, but as Kam says, we can make any of these dates and times work. I'll be in DC next week for a Minor Crop Farmer Alliance Meeting. This is a group that has worked on crop protection tools for many years. It has membership from many different crops from many different states, product registrants, interested scientists, etc. Last year we passed out small red fly swatters that were shaped like a Stop Sign that had the message on them that this was pretty much the only crop protection tool we would have left, given the complete lack of science that EPA was pursuing in removing all of the tools available to growers to protect their crops. EPA wasn't amused. What's interesting is that USDA had people at our meetings and try as hard as they could to get EPA to listen to and follow the science on their regulatory actions, it was a rare event if EPA did.

I think that there is a lot of hope in the AG community that if sound science is allowed to govern the outcome on EPA's actions, things are really going to improve quickly.

Take care,

Pat

**From:** Kam Quarles [<mailto:Kamq@nationalpotatocouncil.org>]  
**Sent:** Wednesday, January 25, 2017 2:43 PM  
**To:** Patrick Kole <[Patrick.Kole@potato.idaho.gov](mailto:Patrick.Kole@potato.idaho.gov)>  
**Subject:** Options for Layne

Hi Pat

The following times would work well:

Monday, February 13<sup>th</sup>

4:15-4:45 pm

Tuesday, February 14<sup>th</sup>

2:30-3 pm

Wednesday, February 15<sup>th</sup>

8:15-8:45 am

I think the Tuesday slot would be best, but we can make any of them work fine.

Sincerely,

Kam Quarles

Vice President, Public Policy

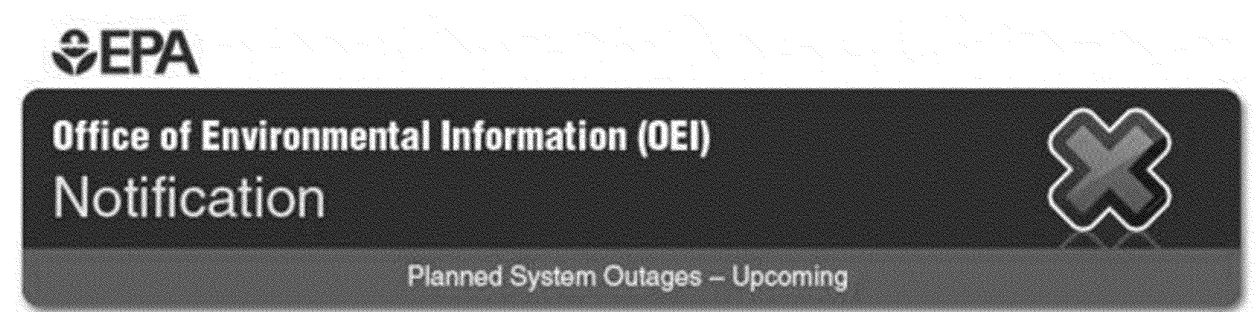
National Potato Council

1300 L Street, N.W., Suite 910

Washington, D.C. 20005

(202) 682-9456 office Personal Phone/Ex. 6 cell

**To:** All HQ Employees[All\_HQ\_Employees@epa.gov]  
**From:** OEI-MassMailer-Mailbox  
**Sent:** Tue 9/26/2017 7:24:43 PM  
**Subject:** Planned System Outage: Voice Services and Network Connectivity - September 26, 28 & 29, 7:00 p.m.-11:59 p.m. and September 30, 7:00 a.m.-4:00 p.m.



Please do not reply to this message. Thank you.

Affected Location: Headquarters – **William Jefferson Clinton (WJC) East, South, North and Emergency Operations Center (EOC)**

Affected Service: Voice Services and Network Connectivity

Due to a system upgrade, all voice services and network connectivity to the locations in the table below will be interrupted on the dates and times listed.

Location	Date & Time of Service
WJC East – 7 <sup>th</sup> Floor	Tuesday, September 26 - 7:00 p.m. to 11:59 p.m. ET
WJC South – 6 <sup>th</sup> Floor	Thursday, September 28 - 7:00 p.m. to 11:59 p.m. ET

WJC South –4 <sup>th</sup> Floor	Friday, September 29 - 7:00 p.m. to 11:59 p.m. ET
WJC South – 6 <sup>th</sup> Floor	Saturday, September 30 – 7:00 a.m. to 4:00 p.m. ET
EOC – Computer Room & WJC North – 2 <sup>nd</sup> Floor	Saturday, September 30 – 7:00 a.m. to 4:00 p.m. ET

During the service windows, all computers and VoIP phones located in the affected locations will lose connectivity to the network. It should also be mentioned that this upgrade may erase the call history on VoIP phones. During the outage periods, employees who are working remotely, or from a mobile device will not be affected.

If you experience problems, please contact your [Local Help Desk](#). We apologize in advance for any inconvenience this may cause.

To see a list of planned and unplanned system outages, please visit the [Maintenance and Status Calendar](#) page.

**To:** Bangerter, Layne[bangerter.layne@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Hannon, Arnita[Hannon.Arnita@epa.gov]; Cook-Shyovitz, Becky[Cook-Shyovitz.Becky@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Tue 3/28/2017 4:16:44 PM  
**Subject:** FW: Which State & Local Programs Will Be Casualties of Trump-Era Budgeting?

**From:** Route Fifty [mailto:hello@e.routefifty.com]  
**Sent:** Tuesday, March 28, 2017 11:37 AM  
**To:** Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Subject:** Which State & Local Programs Will Be Casualties of Trump-Era Budgeting?

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Dear Andrew,

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## Top Stories and Reports on *Route Fifty* right now

- [Which State and Local Programs Will Be Casualties of Trump-Era Budgeting?](#) | Analysts at the Center on Budget and Policy Priorities say federal grants that make up about one-third of state budgets may soon disappear.
- [Navigating America's Tough Intergovernmental Challenges](#) | This eBook features a selection of stories from *Route Fifty*'s reporters and editors and includes research and policy discussions from a handful of winter meetings behind held by state and local government associations in the nation's capital.

Government Executive Media Group  
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**To:** Layne Bangerter[Bangerter.Layne@epamail.epa.gov]  
**From:** Quianna Wilkes  
**Sent:** Tue 3/28/2017 4:06:47 PM  
**Subject:** A Authorization, Agreement and Certification of Training has been prepared for you by Quianna Wilkes

A Authorization, Agreement and Certification of Training has been prepared for you by Quianna Wilkes

Click on this link to access this form:

<https://webforms.epa.gov/webforms/webformsadmin.nsf/formOpen?OpenAgent&UNID=16C2D1E1B26CB23E852580F100>

**To:** Hale, Michelle[hale.michelle@epa.gov]; Jackson, Ryan[jackson.ryan@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Benton, Donald[benton.donald@epa.gov]; Davis, Patrick[davis.patrick@epa.gov]; Ericksen, Doug[ericksen.doug@epa.gov]; Greaves, Holly[greaves.holly@epa.gov]; Kreutzer, David[kreutzer.david@epa.gov]; Munoz, Charles[munoz.charles@epa.gov]; Schnare, David[schnare.david@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Sugiyama, George[sugiyama.george@epa.gov]  
**From:** Benton, Donald  
**Sent:** Tue 2/21/2017 6:59:10 PM  
**Subject:** 4pm meetings

Team, We are canceling the 4pm meeting today. We will resume them tomorrow (Wed) and invite Michele and/or Administrator Pruitt and/or Ryan Jackson to join us on a regular basis.

Thanks,

Don

Don

Senator Don Benton

Senior White House Advisor

Office of the Administrator

202.564.4711



**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Wilkes, Quianna  
**Sent:** Tue 3/28/2017 3:58:31 PM  
**Subject:** FW: Business Card Proofs  
[Layne's Business Card Proof.pdf](#)

## Personal Matters/Ex. 6

**From:** Street, Renee  
**Sent:** Tuesday, March 28, 2017 11:52 AM  
**To:** Wilkes, Quianna <Wilkes.Quianna@epa.gov>  
**Subject:** FW: Business Card Proofs

Sorry about that...I could not find where I had it saved, so I did it this way. Let me know if you can't see it.

**From:** Street, Renee  
**Sent:** Tuesday, March 28, 2017 11:37 AM  
**To:** Wilkes, Quianna <Wilkes.Quianna@epa.gov>  
**Subject:** RE: Business Card Proofs

I'm sorry, I forgot to send it to you.

**From:** Wilkes, Quianna  
**Sent:** Tuesday, March 28, 2017 11:35 AM  
**To:** Street, Renee <Street.Renee@epa.gov>  
**Subject:** RE: Business Card Proofs

*Hey Renee, do I need to come to your desk to see the proof? Or can it be sent via email?*

**From:** Street, Renee

**Sent:** Tuesday, March 28, 2017 11:33 AM  
**To:** Wilkes, Quianna <[Wilkes.Quianna@epa.gov](mailto:Wilkes.Quianna@epa.gov)>  
**Subject:** Business Card Proofs

*Good Morning Quianna,*

*Not sure if it was you that placed a business card form on my desk for Layne? Just in case I wanted to show you his business card proofs, and can you let me know if it's a go ahead with placing the order? Thanks!*

**Renee S. Street**

**U.S. Environmental Protection Agency**

**Resources Management and Operations Division**

**1200 Pennsylvania Avenue, N.W.**

**Room 6413C North Building, Mailstop:1301-A**

**Washington, D.C. 20467**

**202-564-7176**

**Leadership – leadership is about taking**

**Responsibilities, not making excuses!**

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Tue 3/28/2017 3:44:54 PM  
**Subject:** RE: Bio

Thanks so much!

M. Arnita Hannon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Phone/Ex. 6**

202.501.1545 (Fax)

hannon.arnita@epa.gov

**From:** Bangerter, Layne  
**Sent:** Tuesday, March 28, 2017 11:44 AM  
**To:** Hannon, Arnita <Hannon.Arnita@epa.gov>  
**Subject:** FW: Bio

**From:** Barbery, Andrea  
**Sent:** Friday, March 10, 2017 2:12 PM

**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Cc:** Cheatham-Strickland, Latonia <[Cheatham-Strickland.Latonia@epa.gov](mailto:Cheatham-Strickland.Latonia@epa.gov)>  
**Subject:** Re: Bio

I have this one; is that okay to use?



On Mar 10, 2017, at 2:09 PM, Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)> wrote:

I used to have a file photo, have you seen it?

**From:** Konkus, John  
**Sent:** Friday, March 10, 2017 2:03 PM  
**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** RE: Bio reminder

Layne Bangerter comes to EPA with 32 years federal service including working for the U.S. Fish and Wildlife Service and USDA as a wildlife biologist. Layne received his Wildlife and Range Resource Management degree from Brigham Young University. For the past 14 years he served as State Director for U.S. Senator Mike Crapo of Idaho. Layne ran the Trump for President campaign in Idaho, he became a member of the Donald Trump Jr. team throughout the west and he travelled with Vice President Pence. Following the election he served on the Presidential Transition Team. His love of family, natural resources, sports, agriculture and private property rights are what drive him. Layne and his wife Betsy have



been married for 33 years, they have 8 children, 4 married and 4 who are not, including 2 teenagers. They also have 10 grandchildren. Layne and his wife and children have built a farm and ranch operation in Southwest Idaho where they raise, black angus cattle ...and family. The Bangerter family are devout Christians and focus their lives on service to their church and country. Layne's job on the Beachhead team was lead for Office of Congressional and Intergovernmental Relations and Office of Water. Layne has most recently received his Presidential Appointment as Deputy Associate Administrator at the Office of Congressional and Intergovernmental Relations.

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** L. Michael Bogert  
**Sent:** Tue 2/21/2017 6:27:58 PM  
**Subject:** RE: Greetings Fellow Idahoan

Thanks much Layne. See you Friday.

**From:** Bangerter, Layne [mailto:bangerter.layne@epa.gov]  
**Sent:** Tuesday, February 21, 2017 10:42 AM  
**To:** L. Michael Bogert <MBogert@parsonsbehle.com>  
**Subject:** Re: Greetings Fellow Idahoan

Friday 10 AM William Jefferson Clinton north building I will meet you at the bottom text me via

**Personal Phone/Ex. 6**

Sent from my iPhone

On Feb 21, 2017, at 11:48 AM, L. Michael Bogert <MBogert@parsonsbehle.com> wrote:

Thanks for running the traps Layne. I would nonetheless like to introduce these good folks to you if you have a half hour window Friday. Their schedule should be pretty flexible.

**From:** Bangerter, Layne [mailto:bangerter.layne@epa.gov]  
**Sent:** Tuesday, February 21, 2017 9:44 AM  
**Personal Email/Ex. 6**  
**Cc:** Ericksen, Doug <ericksen.doug@epa.gov>  
**Subject:** Re: Greetings Fellow Idahoan

Senator Erickson is not available Friday.

Sent from my iPhone

On Feb 20, 2017, at 10:18 AM, L. Michael Bogert <MBogert@parsonsbehle.com> wrote:

Layne/Senator Ericksen: Happy holiday.

With the Administrator now in the saddle, I am sensitive to burgeoning priorities and fluid schedules. However, I am wondering if this Friday I can bring Francis McAllister, Senior Vice President for Land and Water for Freeport McMoRan and Sandy Fabritz-Whitney, who is Freeport's lead strategist on water issues. We have no ask and are simply reaching out to become a potential resource for the new Administration.

We have a meeting at 9A over at Interior and will be available after that. Thanks much for the consideration, congrats on getting Administrator Pruitt confirmed, and we look forward to possibly seeing you at the end of the week.

**From:** Bangerter, Layne [<mailto:bangerter.layne@epa.gov>]  
**Sent:** Friday, February 17, 2017 9:02 AM  
**To:** L. Michael Bogert <[MBogert@parsonsbehle.com](mailto:MBogert@parsonsbehle.com)>  
**Cc:** Ericksen, Doug <[ericksen.doug@epa.gov](mailto:ericksen.doug@epa.gov)>  
**Subject:** RE: Greetings Fellow Idahoan

You are the man Michael, thanks for the contact. Anyway I can help you I'm here to do-so. It is easy for me to accommodate meeting with you here: WJC-N. Am adding Senator Doug Ericksen, one heck of a guy!

Layne

**From:** L. Michael Bogert [<mailto:MBogert@parsonsbehle.com>]  
**Sent:** Thursday, February 16, 2017 2:04 PM  
**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** Greetings Fellow Idahoan

Layne: Hope you are enjoying EPA HQ.

I have been trying to stay out of your hair, but I am hoping to introduce you to some folks from Freeport McMoRan, an Arizona based mining company next Friday the 24<sup>th</sup>. We have a meeting at 9A at Interior and are flexible after that. In addition to a simple introduction, they have an interest in Superfund implementation.

I was also hoping to pay a courtesy visit to Senator Ericksen if he has a few minutes.

Thanks Layne and hope to see you shortly.

<u>&lt;image002.png&gt;</u>	<b>L. Michael Bogert   Attorney at Law</b> <b>Parsons Behle &amp; Latimer</b> 800 West Main Street, Suite 1300   Boise, Idaho 83702 Main 208.562.4900   Direct 208.562.4907   Fax 208.562.4901
A Professional Law Corporation	<a href="http://parsonsbehle.com">parsonsbehle.com</a>   <a href="mailto:MBogert@parsonsbehle.com">MBogert@parsonsbehle.com</a>   <a href="#">vCard</a>

**CONFIDENTIALITY NOTICE:**

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**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Wagner, Kenneth[wagner.kenneth@epa.gov]; Bennett, Tate[Bennett.Tate@epa.gov]  
**From:** Barbery, Andrea  
**Sent:** Tue 3/28/2017 3:30:57 PM  
**Subject:** Re: ECOS Meeting with Ken and Tate: Follow Up Items

Thank you, Layne!

Sent from my iPhone

On Mar 28, 2017, at 10:18 AM, Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)> wrote:

How about we meet at 8:55AM at Ken's office then go to the car?

**From:** Wagner, Kenneth  
**Sent:** Tuesday, March 28, 2017 9:30 AM  
**To:** Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>; Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** RE: ECOS Meeting with Ken and Tate: Follow Up Items

Thanks Andrea!

**Kenneth E. Wagner**

*Senior Advisor to the Administrator*

*For Regional and State Affairs*

**Environmental Protection Agency**

**202-564-1988 office**

**Personal Phone/Ex. 6**

[wagner.kenneth@epa.gov](mailto:wagner.kenneth@epa.gov)

**From:** Barbery, Andrea  
**Sent:** Tuesday, March 28, 2017 8:54 AM  
**To:** Bennett, Tate <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>; Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>; Wagner, Kenneth <[wagner.kenneth@epa.gov](mailto:wagner.kenneth@epa.gov)>  
**Subject:** Re: ECOS Meeting with Ken and Tate: Follow Up Items

Ken, Tate, and Layne:

Reminder that breakfast w ECOS is on Friday at 9:15. I won't be able to make it. It wanted to be sure you ha a way to at there? (Layne, perhaps you could arrange a ride w Phil again?)

Also, Alex suggests she might invite some of the other Intergov folks (National Governors Assn, Western Governors Assn, Coalition of Northeastern Governors, Assn of State & Territorial Health Officials, National Conference of State Legislatures) - I think this is a great opportunity to meet folks while you're there; should I let Alex know she should invite them, as well?

Thanks,

Andrea Barbery, OCIR

**Personal Phone/Ex. 6**

Sent from my iPhone

On Mar 24, 2017, at 11:30 AM, Alexandra Dapolito Dunn **Personal Email/Ex. 6** wrote:

By chance, EPA team, would you like us to invite to the breakfast the NGA, CONEG, and WGA DC envt'l staff? Also we work closely with ASTHO (state and territorial health officials) and would include too NCSL (state legislatures). I know you'll do lots of separate meetings but its an easy walk for these folks and a few more bagels on our part! Let us know -

On Fri, Mar 24, 2017 at 11:55 AM, Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)> wrote:

This is fantastic – thanks, ECOS for the invitation! I'll be on vacation next week so will sadly miss this but I'll make sure Layne, Tate, and Ken have a way to get there.

Tate and Ken, I'll get the ball rolling on your registrations. Ken, please let me know who I should work with in your office on the financials.

Thanks,

Andrea Barbery

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

[202-564-1397](tel:202-564-1397)

**From:** Bennett, Elizabeth

**Sent:** Friday, March 24, 2017 11:33 AM

**To:** Alexandra Dunn <[adunn@ecos.org](mailto:adunn@ecos.org)>; Wagner, Kenneth <[wagner.kenneth@epa.gov](mailto:wagner.kenneth@epa.gov)>

**Cc:** Hanson Carolyn <[chanson@ecos.org](mailto:chanson@ecos.org)>; Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>; [slongsworth@ecos.org](mailto:slongsworth@ecos.org); Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>

**Subject:** RE: ECOS Meeting with Ken and Tate: Follow Up Items

Alex-

Your turnaround time is amazing! Thank you so much and we will confirm for breakfast at 9:15 AM (Hopefully that works for you, Layne and Andrea?) at 50 F (right location?).

Still wading through the other items (thanks in advance), but plan on the four of us seeing you all next Friday.

Tate

Elizabeth Tate Bennett

Congressional Affairs & Intergovernmental Relations

U.S. Environmental Protection Agency

**From:** Alexandra Dapolito Dunn [<mailto:adunn@ecos.org>]  
**Sent:** Friday, March 24, 2017 9:45 AM  
**To:** Bennett, Elizabeth <[bennett.elizabeth@epa.gov](mailto:bennett.elizabeth@epa.gov)>; Wagner, Kenneth <[wagner.kenneth@epa.gov](mailto:wagner.kenneth@epa.gov)>  
**Cc:** Hanson Carolyn <[chanson@ecos.org](mailto:chanson@ecos.org)>; Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>; [slongsworth@ecos.org](mailto:slongsworth@ecos.org); Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>  
**Subject:** Re: ECOS Meeting with Ken and Tate: Follow Up Items

BREAKFAST is FRIDAY MARCH 31 not April 31. Corrected below.

On Fri, Mar 24, 2017 at 9:40 AM, Alexandra Dapolito Dunn <[adunn@ecos.org](mailto:adunn@ecos.org)> wrote:

Dear Ken and Tate:

Thank you so much for coming over yesterday afternoon to meet with us. So thrilled to make a connection with you all.

Here's all the follow up:



1) Information on what was done with \$21M of Multipurpose STAG - Attached as is the ECOS List of "SUPERCORE" STAG Grants

2) Current Spring Meeting Attendance list - Attached so Administrator Pruitt knows who is in the audience when he addresses ECOS at 10 am Friday, April 7

3) Information on how to register for our Spring Meeting. We will offer you the STATE EARLY BIRD rate which is no longer available on our site (FYI, all attendees to ECOS Meetings Pay - speakers, states, EPA, corporate, NGO). Sarah Grace here will work with Andrea to get you both registered at this lower rate.

4) ERIS-ORD Oklahoma Meeting: We mentioned that ECOS' nonprofit research subsidiary the Environmental Research Institute of the States (ERIS) will be meeting as the ERIS Board and EPA ORD in Oklahoma City on July 11-12. The 11th is a day trip to the Ada Lab and the 12th being an opportunity to discuss ongoing coordination and work. We're working with Lisa Matthews in ORD on this important work. Also, the 2016 survey of STATE RESEARCH NEEDS will be out by our April Meeting.

5) Contacts for State Environmental "Media" Association Directors:

- AAPCA - Association of Air Pollution Control Administrators - Clint Woods - Personal Phone/Ex. 6  
[cwoods@csg.org](mailto:cwoods@csg.org)
- ACWA - Association of Clean Water Administrators - Julia Anastasio - Personal Phone/Ex. 6 [janastasio@acwa-us.org](mailto:janastasio@acwa-us.org)
- ASDWA - Association of State Drinking Water Administrators - Alan Roberson - Personal Phone/Ex. 6  
[aroberson@asdwa.org](mailto:aroberson@asdwa.org)
- ASTSWMO - Association of State and Territorial Solid Waste Management Officials - Dania Rodriguez - Personal Phone/Ex. 6  
Personal Phone/Ex. 6 [daniar@astswmo.org](mailto:daniar@astswmo.org)
- NACAA - National Association of Clean Air Agencies - Bill Becker - Personal Phone/Ex. 6 [4cleanair.org](http://4cleanair.org)

We are arranging a breakfast here for all of them and you all on FRIDAY, MARCH 31 from 915 to 1015 am. They are all already holding the time and ready to come. Sarah Grace will work with Andrea to get this scheduled.

6) List of changes to ECOS Yearbook between 2016 and 2017 - See attached! Print and put in the front of the Facebook we gave you

7) Jess Byrne's contact info for question on Superfund

- Jess Byrne, Deputy Director at IDEQ,  
[jess.byrne@deq.idaho.gov](mailto:jess.byrne@deq.idaho.gov); [rosie.alonzo@deq.idaho.gov](mailto:rosie.alonzo@deq.idaho.gov);  
[208-373-0114](tel:208-373-0114)

8) Updated agenda for the closed session on Friday, April 7 -- Attached. We took off budget and added Superfund. We will work with Andrea to finalize.

*Alexandra Dapolito Dunn, Esq.*

*Executive Director & General Counsel*

*Environmental Council of the States*

*50 F Street, NW, Suite 350*

*Washington, DC 20001*

*202-266-4929 (T); 202-230-4247 (C); 202-266-4937 (F)*

*adunn@ecos.org; Twitter @ECOStates*

*See my research: <http://ssrn.com/author=1356207>*

Save the Date! ECOS' Spring Meeting, April 6-8, 2017, Washington, DC, [www.ecos.org](http://www.ecos.org)

--

Carolyn Hanson  
Deputy Executive Director  
Environmental Council of the States

202-266-4924 (p); 202-266-4937 (f)

[chanson@ecos.org](mailto:chanson@ecos.org)

Twitter: @ECOStates

*Check out the latest news from ECOS at [www.ecos.org](http://www.ecos.org)*

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Kaiser, Sven-Erik[Kaiser.Sven-Erik@epa.gov]; Klasen, Matthew[Klasen.Matthew@epa.gov];  
Cheatham-Strickland, Latonia[Cheatham-Strickland.Latonia@epa.gov]  
**From:** Richardson, RobinH  
**Sent:** Tue 2/21/2017 5:55:49 PM  
**Subject:** FW: FYI only: Resolution introduced by Congressman Green re: Cr-6

Hi Layne –

FYI, only. This is a follow up on Congressman Green's (D-TX-09) concerns regarding Chromium-6 in Houston drinking water and interest in having EPA participate in a Public Meeting in Houston in mid-March. Our interaction with the Congressman and his staff began in December (background at the end of the email string). He has now introduced a (non-binding) resolution that encourages various actions including encouraging EPA to complete their health review and establish standards for hexavalent chromium found in drinking water. We are currently working with his staff (OCIR, OW, & R6) to provide additional information (e.g., statement provided Friday, also below) and possible participation in the March Public meeting.

If you'd like more information please let us know. We'll keep you up to date as this progresses.

Best, Robin

-----

Robin H Richardson

Principal Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-3358 (desk)

**Personal Phone/Ex. 6**

richardson.robinh@epa.gov

**From:** Klasen, Matthew  
**Sent:** Tuesday, February 21, 2017 10:05 AM  
**To:** Honker, William <honker.william@epa.gov>; Grevatt, Peter <Grevatt.Peter@epa.gov>

**Cc:** Peck, Gregory <Peck.Gregory@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>; Gonzalez, Yvonne V. <Gonzalez.Yvonne@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Gray, David <gray.david@epa.gov>; Vela, Austin <Vela.Austin@epa.gov>; Mclain, Jennifer <Mclain.Jennifer@epa.gov>  
**Subject:** FYI only: Resolution introduced by Congressman Green re: Cr-6

Hi folks,

FYI only -- Congressman Green introduced a (non-binding) resolution on Chromium-6 in the House last Friday. If enacted, it would encourage (but not require) various actions, including encouraging "the Environmental Protection Agency to complete their health review and establish standards for hexavalent chromium found in drinking water."

Full text is here: <https://www.congress.gov/bill/115th-congress/house-resolution/147/text?q=%7B%22search%22%3A%5B%22h+res+147%22%5D%7D&r=1>

-Matt

-----  
Matt Klasen  
U.S Environmental Protection Agency  
Office of Congressional Affairs  
WJC North 3443P  
202-566-0780  
cell (202) 505-0787

---

**From:** Klasen, Matthew  
**Sent:** Friday, February 17, 2017 9:45 AM  
**To:** Honker, William; Grevatt, Peter  
**Cc:** Peck, Gregory; Orvin, Chris; Gonzalez, Yvonne V.; Burneson, Eric; Richardson, RobinH; Gray, David; Vela, Austin; Mclain, Jennifer  
**Subject:** Rep. Green update: Incoming questions (and our response), plus lingering (less urgent) request re: public meeting participation

Hi everyone,

## **Deliberative Process Privilege/Ex. 5**

Let me know if you have any questions, and thanks again.

Best,  
Matt

---

Matt Klasen  
U.S Environmental Protection Agency  
Office of Congressional Affairs  
WJC North 3443P  
202-566-0780

## INCOMING FROM CONGRESSMAN GREEN'S STAFF

*These are the questions we are anticipating getting in an interview on Chromium-6 issue in our district for early Friday. Any guidance or assistance you could provide us in preparing responses for these would be greatly appreciated. Thank you.*

1. *What's the latest with the EPA?*
2. *Higher rates of chromium-6 came back to the Alief area... has a source of the chromium-6 been found? (chromium 6 is not just naturally occurring?)*
3. *The EPA doesn't have a standard for chromium-6, only for total chromium... when will the EPA come up with a standard for chromium-6? The EPA promised that would happen in 2016, now it's pushed back to 2017.*
4. *The EPA doesn't even require for water to be tested for Chromium-6... the last time chromium 6 was tested was in 2014. How can you track a problem in Alief, if it's not being tested?*
5. *After .02 ppb of chromium 6 in drinking water, rates of cancer increase. In Alief the chromium-6 in drinking water is over 4.0 ppb, including at Mata Intermediate. What would you tell kids that go to that school?*

**Deliberative Process Privilege/Ex. 5**

# Personal Phone/Ex. 6

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**From:** Klasen, Matthew  
**Sent:** Friday, February 10, 2017 4:46 PM  
**To:** Honker, William; Grevatt, Peter  
**Cc:** Peck, Gregory; Orvin, Chris; Gonzalez, Yvonne V.; Burneson, Eric; Richardson, RobinH; Gray, David; Vela, Austin; Mclain, Jennifer  
**Subject:** Re: Rep. Green (Houston) interest in EPA participant in March public meeting re: Cr-6 and drinking water

Hi everyone,

Bill, thanks for your initial thoughts.

I know Peter (and others in the group) are out of the office today, so I just sent a note back to the Congressman's chief of staff letting him know that we'll need until Monday to figure this one out.

I'll let everyone know if I hear anything back.



Enjoy the weekend,  
Matt

---

Matt Klasen  
U.S Environmental Protection Agency  
Office of Congressional Affairs  
WJC North 3443P  
202-566-0780

**Personal Phone/Ex. 6**

---

**From:** Honker, William  
**Sent:** Friday, February 10, 2017 9:48 AM  
**To:** Grevatt, Peter  
**Cc:** Peck, Gregory; Orvin, Chris; Gonzalez, Yvonne V.; Burneson, Eric; Richardson, RobinH;  
Klasen, Matthew; Gray, David; Vela, Austin  
**Subject:** RE: Rep. Green (Houston) interest in EPA participant in March public meeting re: Cr-6  
and drinking water

Peter,

**Deliberative Process Privilege/Ex. 5**

Bill

William K. Honker, P.E.

Director, Water Division (6WQ)

EPA Region 6

Dallas, TX

214-665-3187

<http://www.epa.gov/region6/water/index.htm>



**From:** Klasen, Matthew

**Sent:** Thursday, February 09, 2017 5:02 PM

**To:** Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)>; Grevatt, Peter <[Grevatt.Peter@epa.gov](mailto:Grevatt.Peter@epa.gov)>; Honker, William <[honker.william@epa.gov](mailto:honker.william@epa.gov)>; Vela, Austin <[Vela.Austin@epa.gov](mailto:Vela.Austin@epa.gov)>

**Cc:** Peck, Gregory <[Peck.Gregory@epa.gov](mailto:Peck.Gregory@epa.gov)>; Orvin, Chris <[Orvin.Chris@epa.gov](mailto:Orvin.Chris@epa.gov)>; Gonzalez, Yvonne V. <[Gonzalez.Yvonne@epa.gov](mailto:Gonzalez.Yvonne@epa.gov)>; Burneson, Eric <[Burneson.Eric@epa.gov](mailto:Burneson.Eric@epa.gov)>; Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>

**Subject:** Rep. Green (Houston) interest in EPA participant in March public meeting re: Cr-6 and drinking water

**Importance:** High

Hi everyone,

As most of you remember, Congressman Green (D-TX/Houston) contacted us in December to set up a call regarding news reports of chromium-6 contamination in Houston drinking water. Peter and team in HQ took the lead during the call in describing monitoring results under the Unregulated Contaminant Monitoring Rule and discussing our concerns with how data were interpreted in the Environmental Working Group report on Cr-6 – which was what prompted a Houston TV station's story and the Congressman's involvement.

Here's the story that originally piqued the Congressman's interest:

<http://www.click2houston.com/news/investigates/channel-2-investigates-cancer-causing-chemical-in-houstons-drinking-water>

At the end of the call we had in December, Congressman Green raised the idea of holding a public meeting in his district to help provide the public with similar information that Peter and crew provided on the December call.

Earlier this afternoon, the Congressman's staff (including the Congressman himself) followed up with us to see whether someone from EPA could participate in a public meeting in Houston on either **Saturday, March 11 (12:30-2:30 pm)** or **Saturday, March 18 (10-12 pm)**. I committed to checking with both the HQ and Region 6 teams to see if someone is available on those dates, and whether it's best to have a HQ or R6 participant (or both). (Motivating the unexpected call is that the Congressman is planning on doing an interview with a local reporter tomorrow or this weekend, and would like to talk about the public meeting idea in that interview.)

During the unexpected call with the Congressman, I committed to getting back to him as soon as possible with an update; he would like an update (even if a partial one) tomorrow if we can provide it. I also mentioned that if we did such a meeting, we would probably also want to ensure participation by other folks with equities in the issue – I mentioned the state and the water system as logical participants.

Please let me know what you think about this request, including whether R6 or HQ participation (or both) would seem to make sense. I'd be happy to set up a call tomorrow to discuss this if that would be helpful; I'm out of the office but will be checking email and can make myself available to chat whenever that's convenient. If we can't fully figure this out tomorrow (which I expect), I think we can push this off until early next week, but I think we owe the Congressman's office at least some update tomorrow.

Apologies for the quick and unexpected turnaround!

Thanks,  
Matt

-----  
Matt Klasen  
U.S Environmental Protection Agency  
Office of Congressional Affairs  
WJC North 3443P  
202-566-0780  
cell (202) 505-0787



**From:** EZTech Notification  
**Sent:** Thur 8/31/2017 2:32:57 PM  
**Subject:** Notice for EZ Tech Users: Required System Updates



Please do not respond to this email. Thank you.

## Summary

Beginning on **Friday, September 1, 2017 at 11:00 p.m. EDT**, EZ Tech will begin distribution of required Security Patches and Application updates to all EZ Tech users. These updates are important as they help keep our computers and network safe by reducing the risk of attacks. To ensure your work productivity during normal work hours is not affected, EZ Tech will automatically distribute patches and updates to all EZ Tech customers' workstations on the EPA network overnight.

## What You Need to Do

Before you leave the office on Friday please ensure your computer is shut down.

- Please note, the patches and updates will be applied and your computer will reboot even if your computer is left in a logged in state.
- If your computer is taken off-site, once you logon and have an Internet connection, a window will appear and lead you through the patching and updating process.

## Contact

If you have any questions, please call 1 (866) 411-4EPA (4372) and Press Option 3 for the EZ Tech Service Desk — or [EZTech@epa.gov](mailto:EZTech@epa.gov)



**From:** Penman, Crystal  
**Location:** 2369B WJCE  
**Importance:** Normal  
**Subject:** WOTUS Call in Personal Matters/Ex. 6 passcode 2 Personal Matters/Ex. 6  
**Start Date/Time:** Wed 9/6/2017 2:00:00 PM  
**End Date/Time:** Wed 9/6/2017 2:45:00 PM  
Agenda -- WOTUS 6 Sept 2017.docx

**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov]  
**From:** Scales, Wuanisha  
**Sent:** Mon 9/11/2017 2:12:01 PM  
**Subject:** People Plus entries are due by c.o.b. Wed. (nfm)

---



**To:** This Week @ EPA[epanews@epa.gov]  
**From:** This Week @ EPA  
**Sent:** Tue 9/5/2017 4:38:11 PM  
**Subject:** This Week @ EPA – September 5, 2017



September 5, 2017

Banner image taken by Daniel Gravatt, Region 7, in Arches National Park, Utah.

[Senior Leadership Message](#) | [Hot Topics](#) | [Key Dates](#) | [Video Spotlight](#) | [Health & Wellness](#) | [IT Corner](#)

*Our hearts go out to the victims of Hurricane Harvey. If you are interested in supporting the response effort, this [FEMA page](#) provides information about assisting those who have been impacted by the disaster.*

## Senior Leader Message



Dear Colleagues,

The Office of Personnel Management is beginning to release results from the EPA's 2017 Employee Viewpoint Survey. As many of you know, the EVS provides an overview of employee opinions about their jobs, work units, and management. I'm pleased to share that overall our results show improvements over last year. Our *Employee Engagement Index* score increased 2 percent, from 67 to 69 percent this year, and our *New Inclusion Quotient Index* increased five percentage points (60 percent to 65 percent). EPA's *Global Satisfaction Index* remained at 66 percent. For index definitions, please [click here](#).

I appreciate all of the feedback that you provided when completing the EVS last spring. As always, we strive for continuous improvement, and we will persist in our efforts to identify and address the important factors that impact our effectiveness, flexibility, and productivity. I encourage you to review the [initial report](#) on the EVS SharePoint site and consider getting involved in your local level employee engagement activities.

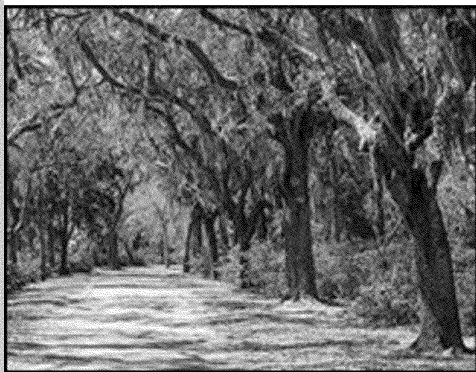
Expect to see another EVS message in the next few weeks regarding our official Annual Employee Survey report release by OPM. The AES provides analysis of top strengths and weaknesses identified through the EVS. OPM will be releasing additional 2017 EVS reports throughout September and October. The Office of Human Resources will be posting these reports on our [EVS SharePoint](#) site. If you have any questions, please contact Michelle McClendon at [mcclendon.michelle@epa.gov](mailto:mcclendon.michelle@epa.gov) or at (202) 564-3150.

Donna Vizian, Acting Assistant Administrator

Office of Administration and Resources Management

## Hot Topics

### **EPA staff plant trees to bring beauty, other benefits to Sabine Island**



EPA staff from the National Health and Environmental Effects Research Laboratory Gulf Ecology Division recently planted 20 small southern live oak trees (*Quercus virginiana*) around Sabine Island. The staff chose live oaks because of their demonstrated ability to thrive in harsh marine coastal habitats prone to extended dry spells,



inundation, salt spray, high winds, and poor sandy soil conditions.

To best facilitate successful plantings, the trees will require watering during dry spells for the first few years. In an effort to avoid using potable water, the facilities staff modified an existing rainwater collection system by adding a small water transportation tank to one of the facility staff carts. Many of the staff are volunteering as caretakers during the early life stages of the new oaks.

Employees anticipate that the stout trees will eventually provide additional beauty, shade, and structural protections (i.e., buffering winds during storm events) to Sabine Island for generations to come. Several live oaks already exist on Sabine Island. At least one of those is estimated to be 80 to 100 years old.

#### **EPA's Smart City Air Challenge webinar – Data Use in Community Air Quality Projects!**



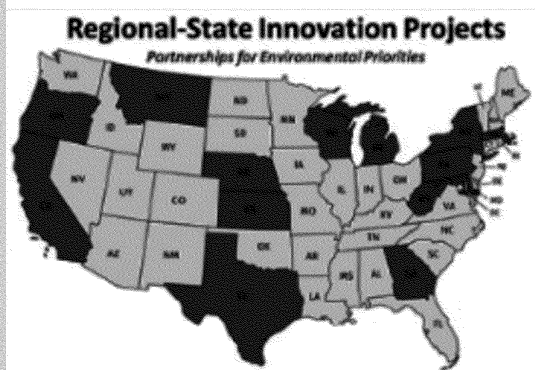
EPA launches the next of its Smart City Air Challenge webinar series Sept. 14 at noon EDT to help citizens design effective air quality projects for their communities. This webinar, titled “Data Use in Community Air Quality Projects”, includes 25 minutes of presentations and 25 minutes for questions and answers. Speakers from New York and Philadelphia will describe how they use data from air quality sensors to understand local environmental conditions.

This is [one webinar in a series](#) aimed at helping communities manage air quality projects. EPA awarded Baltimore, Maryland, and Lafayette, Louisiana, each \$40,000 to help them develop plans to deploy hundreds of air quality sensors. The cities will share their data with the public and other communities who are proceeding with their own projects. At the end of this year, EPA will evaluate the two projects and award up to an additional \$10,000 to the winning communities

based on their accomplishments and collaboration.

- [Register for the webinar.](#)
- Learn more about the [Smart City Air Challenge](#).

### **Innovative research addresses environmental issues across country**



*(Editor's Note: We are republishing this article due to a broken hyperlink in last week's article.)*

EPA recently announced its selection of research projects addressing priority environmental and human health problems in 14 states across all 10 regions through partnerships between EPA's Office of Research and Development, regional offices, and states.

The research seeks to address pressing environmental issues facing the states. The selected projects focus on a wide variety of issues and will employ innovative approaches.

- Check out the [list of selected projects](#).
- View the project map and details via the [2017 Regional/State Innovation Projects](#) site.





**Access ‘EPA News’ to read current, archived content**

If you are digging through your deleted email messages to find that newsletter article you previously read, or you are searching for that blog post that was featured on [One EPA Workplace](#) but has disappeared, look no further. You can find these articles and more via the [EPA News](#) site.

EPA News is an archive of current and old news content featured in this newsletter and the One EPA Workplace home page. It also includes mass mailers you might be in search of because you deleted them from your Outlook mailbox.

## Key Dates

## Video Spotlight



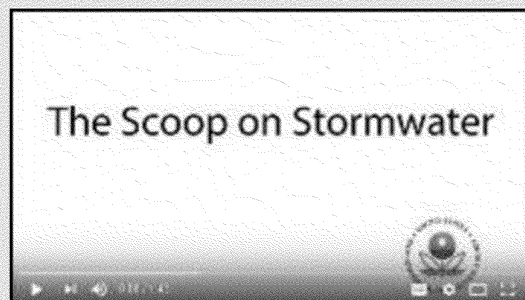
Click on each event below to get more details.

Click on the “Add to Calendar” button to add an event to your Outlook calendar.

If you see a log-in screen, please click on your EPA email, or if prompted, enter your email and network password.

### EPA the Scoop on Stormwater

Stormwater runoff is a major cause of water pollution in urban areas. When rain falls on our roofs, streets, and parking lots, the water cannot soak into the ground as it should. Stormwater drains through gutters, storm sewers, and other engineered collection systems and is discharged into nearby water bodies. The stormwater runoff carries trash, bacteria, heavy metals, and other pollutants from the urban landscape. Higher flows resulting from heavy rains also can cause erosion and flooding in urban streams, damaging habitat, property, and infrastructure.





## Happening This Week:

**Sept. 7:** [Lean Overview webinar](#)



## Coming Soon:

**Sept. 12:** [Suicide Prevention](#)

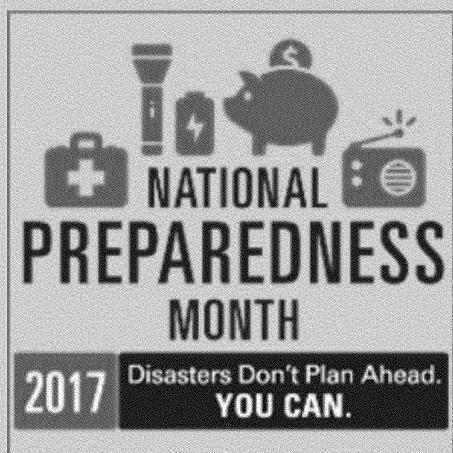
Awareness Month event 

Video length: 1:43

## Health & Wellness



## IT Corner

### Be ready - create a Go Kit!

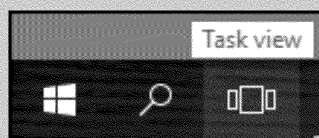


September is National Preparedness Month, a time for each one of us to remember that it is important to be prepared for emergencies. Consider creating a “Go Kit” that can be stored at your desk, in your car, or at your home. Your Go Kit should contain items that may be needed in the event of a prolonged evacuation, Shelter-In-Place, or other emergency that may displace you.

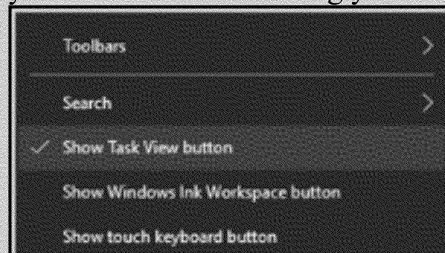
Some recommended items include:

-  bottled water
-  radio with extra batteries

### Windows 10 Task View feature



As EPA employees begin working in Windows 10, we’d like to highlight a feature that may not be obvious to most users – the **Task View** feature. To access **Task View**, simply click the icon on your **Taskbar** – assuming you are



showing that icon. If you are not displaying that icon, right-click on your **Taskbar** and enable it by selecting the “Show Task View button” option.

The cool part about this feature is that you don’t even need to display the icon on your **Taskbar** to enjoy its usefulness. Another way to access it is to press and hold your **ALT** key while tapping your **TAB** key. The **ALT + TAB** keyboard shortcut works much like it did before. Whatever applications you have open will show on your



- walking shoes
- long-sleeved shirt or jacket (seasonal)
- extra doses of medication
- an extra pair of glasses
- nonperishable food
- glow sticks/flashlight with extra batteries
- whistle
- cash (in small bills)
- personal hygiene items
- extra keys
- emergency contact numbers
- first aid kit
- ID cards (driver's license, health insurance)
- cell phone/charger

To learn more, visit the ready.gov site's [build-a kit page](#).

screen in an easy-to-view display, but the app



thumbnails

are now much larger. Tap the **TAB** key repeatedly to switch between your running apps. When you find the one you wish to switch to and view, just let go of both keys.

In one of our upcoming columns, we will highlight how to setup multiple desktops and use your hotkeys to easily view them.

We would love to hear your feedback about this newsletter. Please contact us at: [internalcomms@epa.gov](mailto:internalcomms@epa.gov) | <http://intranet.epa.gov/internalcomms>

Looking for previous editions of the Newsletter? Go to the [Newsletter Archive](#)







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Elaine.Boyd@tn.gov[Elaine.Boyd@tn.gov];  
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Julie[Milazzo.Julie@epa.gov]; Holliday, Kysha[Holliday.Kysha@epa.gov]; Walters,  
Margaret[Walters.Margaret@epa.gov]; Hopkins, Daniel[Hopkins.Daniel@epa.gov]; Roberts, Timothy-  
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McAleer[omcaleer@ecos.org]; Dexter, Michael[Dexter-Luffberry.Michael@epa.gov]; Murphy,  
Dan[Murphy.Dan@epa.gov]  
**From:** Barbary, Andrea  
**Sent:** Tue 9/5/2017 3:46:08 PM  
**Subject:** Agenda for P&P Co-Chairs Call - Tuesday, September 5

Good morning,

The agenda for this afternoon's P&P Co-Chairs call is below – talk to you soon!

Andrea Barbary

Office of Intergovernmental Relations

U.S. Environmental Protection Agency

202-564-1397

[Agenda for 9/5/17 P&P Co-Chairs Call](#)

**Date:** Tuesday, Sept. 5, 2017

**Time:** 1:00 – 2:00 p.m. (Eastern)

**Call-in:** Personal Matters/Ex. 6

**Code:** Personal Matters/Ex. 6

1. **Welcome & Roll Call** (Andrea Barbery)
2. **EPA Lean Initiatives** (Henry Darwin)  
Purpose: To introduce Henry Darwin and discuss the agency's new lean initiatives
3. **ECOS Fall Meeting Planning** (Pat Stevens)  
Purpose: To give an update on preparations for the 2017 ECOS Fall Meeting
4. **EPA's Elevation Policy** (Nancy Grantham)  
Purpose: To give an update on EPA's elevation policy
5. **NPM Guidance/NEPPS Workgroup** (Kathy O'Brien)  
Purpose: To summarize status of NPM Guidance, FY18-22 Strategic Plan, and FY19 budget development
6. **State Grants Subgroup** (Valerie Thomson, Wendy Waskin, Pamela McKinney, Julie Milazzo)  
Purpose: To report out on recent activities

**Next Call:** Tuesday, October 3

**To:** David.F.Dale@usace.army.mil[David.F.Dale@usace.army.mil]; Kwok, Rose[Kwok.Rose@epa.gov]; Clark, Becki[Clark.Beki@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]; Cindy Barger[cindy.s.barger.civ@mail.mil]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]; Dravis, Samantha[dravis.samantha@epa.gov]; Evalenko, Sandy[Evalenko.Sandy@epa.gov]; Breen, Barry[Breen.Barry@epa.gov]; FertikEdgerton, Rachel[FertikEdgerton.Rachel@epa.gov]; Best-Wong, Benita[Best-Wong.Benita@epa.gov]; douglas.w.lamont2.civ@mail.mil[douglas.w.lamont2.civ@mail.mil]; Bennett, Tate[Bennett.Tate@epa.gov]; Bahk, Benjamin[Bahk.Benjamin@epa.gov]; craig.r.schmauder.civ@mail.mil[craig.r.schmauder.civ@mail.mil]; Shapiro, Mike[Shapiro.Mike@epa.gov]; jennifer.a.moyer@usace.army.mil[jennifer.a.moyer@usace.army.mil]; Cook-Shyovitz, Becky[Cook-Shyovitz.Becky@epa.gov]; Penman, Crystal[Penman.Crystal@epa.gov]; Wesson, Dolores[Wesson.Dolores@epa.gov]; Wendelowski, Karyn[wendelowski.karyn@epa.gov]; Hanson, Andrew[Hanson.Andrew@epa.gov]; Washington, Valerie[Washington.Valerie@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]; Goodwin, Kara[goodwin.kara@epa.gov]; Borum, Denis[Borum.Denis@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Campbell, Ann[Campbell.Ann@epa.gov]; Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]; Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Cope, Clayton[cope.clayton@epa.gov]; Lousberg, Macara[Lousberg.Macara@epa.gov]; Swackhammer, J-Troy[Swackhammer.J-Troy@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Kaiser, Sven-Erik[Kaiser.Sven-Erik@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]; Frithsen, Jeff[Frithsen.Jeff@epa.gov]; Brown, Byron[brown.byron@epa.gov]; Stokely, Peter[Stokely.Peter@epa.gov]; Bowman, Liz[Bowman.Liz@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Indermark, Michele[Indermark.Michele@epa.gov]; ian.p.osullivan@usace.army.mil[ian.p.osullivan@usace.army.mil]; Kupchan, Simma[Kupchan.Simma@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Jennings, Kim[Jennings.Kim@epa.gov]; Donald.e.jackson@usace.army.mil[Donald.e.jackson@usace.army.mil]; McDavit, Michael W.[Mcdavit.Michael@epa.gov]; Principe, Vanessa[Principe.Vanessa@epa.gov]; Schwab, Justin[schwab.justin@epa.gov]; Frazer, Brian[Frazer.Brian@epa.gov]; Peck, Gregory[Peck.Gregory@epa.gov]; Chemerys, Ruth[Chemerys.Ruth@epa.gov]; Libertz, Catherine[Libertz.Catherine@epa.gov]; Orvin, Chris[Orvin.Chris@epa.gov]; Loop.Travis@epa.gov[Loop.Travis@epa.gov]; Greenwalt, Sarah[greenwalt.sarah@epa.gov]; Downing, Donna[Downing.Donna@epa.gov]; Thomas, Latosha[Thomas.Latosha@epa.gov]; Damico, Brian[Damico.Brian@epa.gov]; Forsgren, Lee[Forsgren.Lee@epa.gov]; Howard, MarkW[Howard.MarkW@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Cheatham, Reggie[cheatham.reggie@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Klasen, Matthew[Klasen.Matthew@epa.gov]; Fotouhi, David[fotouhi.david@epa.gov]; Peterson, Carol[Peterson.Carol@epa.gov]; Keating, Jim[Keating.Jim@epa.gov]; Cherry, Andrew[Cherry.Andrew@epa.gov]  
**From:** Goodin, John  
**Sent:** Wed 9/6/2017 1:25:51 PM  
**Subject:** WOTUS Call in Non-responsive Conference Code/Ex.6

Just a reminder that we are in 2369B East today.

**WOTUS Call in 1** Personal Matters/Ex. 6 **Passcode** Personal Matters/Ex. 6

Scheduled: Wednesday, Sep 6, 2017 from 10:00 AM to 10:45 AM

Location: 2369B WJCE

Invitees: David.F.Dale@usace.army.mil, Kwok, Rose, Clark, Becki, Connors, Sandra, Cindy Barger, Drinkard, Andrea, Pollins, Mark, Dravis, Samantha, Evalenko, Sandy, Breen, Barry, FertikEdgerton, Rachel, Best-Wong, Benita, Lamont, Douglas W SES (US), Bennett, Tate, Bahk, Benjamin, Schmauder, Craig R SES (US), Shapiro, Mike,

jennifer.a.moyer@usace.army.mil, Cook-Shyovitz, Becky, Penman, Crystal, Wesson, Dolores, Wendelowski, Karyn, Hanson, Andrew, Washington, Valerie, Nickerson, William, Goodwin, Kara, Borum, Denis, Wehling, Carrie, Campbell, Ann, Eisenberg, Mindy, Neugeboren, Steven, Cope, Clayton, Lousberg, Macara, Swackhammer, J-Troy, Bowles, Jack, Kaiser, Sven-Erik, Christensen, Damaris, Frithsen, Jeff, Brown, Byron, Stokely, Peter, Bowman, Liz, Bangerter, Layne, Indermark, Michele, ian.p.osullivan@usace.army.mil, Kupchan, Simma, Theis, Joseph, Jennings, Kim, Donald.e.jackson@usace.army.mil, McDavit, Michael W., Principe, Vanessa, Schwab, Justin, Frazer, Brian, Peck, Gregory, Chemerys, Ruth, Libertz, Catherine, Orvin, Chris, Loop, Travis, Greenwalt, Sarah, Downing, Donna, Thomas, Latosha, Damico, Brian, Forsgren, Lee, Howard, MarkW, Bolen, Brittany, Dennis, Allison, McGartland, Al, Cheatham, Reggie, Hewitt, Julie, Klasen, Matthew, Fotouhi, David, Peterson, Carol, Keating, Jim, Cherry, Andrew

Sent from my iPhone

**To:** Bowles, Jack[Bowles.Jack@epa.gov]; Scott, Sonya[scott.sonya@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]; Hanson, Andrew[Hanson.Andrew@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Eargle, Frances[Eargle.Frances@epa.gov]  
**Cc:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Thur 8/31/2017 10:51:44 PM  
**Subject:** Tomorrow - Schedule

Hi Team-

I will be teleworking the first half of the day tomorrow and in early afternoon. Reachable as needed. Thanks!

Arnita

M. Arnita Hannon Christmon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Matters/Ex. 6**

202.501.1545 (Fax)

hannon.arnita@epa.gov

**From:** Davis, Patrick  
**Location:** 1301 Constitution Ave, NW room 3146 WJC West  
**Importance:** Normal  
**Subject:** (outside guest) Colorado Springs Chamber of Commerce Briefing  
**Start Date/Time:** Tue 9/12/2017 1:00:00 PM  
**End Date/Time:** Tue 9/12/2017 2:30:00 PM

POC: Patrick Davis - 566-3103

Caroline Kenely - 566-2235 (scheduler)

Closest Metro Station - Federal Triangle Metro on the Orange/Blue/Silver lines

### **Our Address:**

William J. Clinton Building West

1301 Constitution Ave, NW

(On Constitution between 14<sup>th</sup> and 13<sup>th</sup> across from the National Museum of American History)

### **Security:**

Please have the guards call OLEM's main number **202-566-0200** for an escort when you arrive.

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Eargle, Frances[Eargle.Frances@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Hanson, Andrew[Hanson.Andrew@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Thur 8/31/2017 1:40:42 PM  
**Subject:** Re: Updates on Upcoming Sept. 7 NLC Leadership Meeting

Thanks Layne! Ohhh yeah!

A

Sent from my iPhone

On Aug 31, 2017, at 1:41 AM, Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)> wrote:

Excellent. Big stuff!

Sent from my iPhone

On Aug 30, 2017, at 7:27 PM, Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)> wrote:

You're welcome!

Sent from my iPhone

On Aug 30, 2017, at 9:07 PM, Eargle, Frances <[Eargle.Frances@epa.gov](mailto:Eargle.Frances@epa.gov)> wrote:

Thanks for sharing, Arnita!

**From:** Hannon, Arnita  
**Sent:** Wednesday, August 30, 2017 6:50 PM  
**To:** Matthews, Demond <[matthews.demond@epa.gov](mailto:matthews.demond@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>; Cory, Preston (Katherine) <[Cory.Preston@epa.gov](mailto:Cory.Preston@epa.gov)>  
**Cc:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>; Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>; Eargle, Frances <[Eargle.Frances@epa.gov](mailto:Eargle.Frances@epa.gov)>  
**Subject:** Updates on Upcoming Sept. 7 NLC Leadership Meeting

4:45 – 5:45/3530 – 9/7

Reminder: PLEASE "ACCEPT" if you have not. On Friday I am resending the invite to attach the DRAFT Meeting Agenda. Thanks!

Hey Team –

Carolyn is sort of tweaking next week's meeting and responded with some updates today so just sharing as FYI and I am keeping relevant Program Offices updated accordingly:

-Now **NOT attending**: NLC President – Councilman Zone (Cleveland); 2<sup>nd</sup> Vice President, Mayor Freeman Wilson; Clarence Anthony CEO and ED.

-Mostly EENR members will comprise the group. And EENR leadership – Vice Chairs – will lead the delegation.

-**Group** will be **smaller** as some have to split for DOT meeting at same time.

-**Superfund is OUT** as a topic so I've let Kel and Jim Woolford and Dana Stalcup off the hook. Jackie Harwood will still come over to observe plus, for now, Brownfields is still on the table and Dave Lloyd and crew will be here IF that holds.

-**Integrated Planning has been added** so I've alerted Nagle and Pollins and that team. Plus Forsgren is coming anyway with CW and DWSRF stuff still on the table, and a bit of WIFIA (appropriate OW staff will flank him).

-**Added**: They also will highlight the importance of local governments being at the table during the rulemaking and regulatory process, the importance of federalism consultation, and regulatory reform. Thanks Drew on your guidance for OP targets to add to the invite and I'll pounce once Layne gets feedback from Samantha.

All for now and will keep everyone updated as this comes together. Carolyn is reviewing my Proposed Agenda and will give me edits on Friday as well as a firm list of who will be coming over. *Roughly, we have Welcome and Round Robin Introductions from Layne – with Troy joining the Greetings if he's there. After that we'll hear from the NLC Leadership with an overview of NLC's Priorities Issues Relevant to EPA. Then we'll open for Dialogue and Discussion with Layne facilitating as we help that along.* Will close at 5:45. Will share Revised Agenda once I get Carolyn's feedback.



On Thursday, September 7, 2017 EPA Senior Leadership from OCIR and other Program Offices, will meet with a delegation of National League of Cities leadership. NLC President Matt Zone, Councilmember (Cleveland, OH), and Mayor Karen Freeman Wilson (Gary, IN), 2nd Vice President, and a member of EPA's Local Government Advisory Committee (LGAC), were scheduled to participate in the meeting, but are unable to. Clarence Anthony, NLC CEO and Executive Director, will also be unable to participate. Mayor Pro Tem Hattie Portis Jones (Fairburn, GA), and Deputy Mayor Cynthia Pratt (Lacey, WA), Vice Chairs, Energy, Environment and Natural Resources Committee, will lead the delegation. These key local leaders, representing a cross-section of communities from across the nation, have characterized NLC's "Annual Fly In," as an opportunity to interact with Members of Congress and the Administration to ensure that federal policy issues and initiatives important to cities and towns remain a priority in the nation's capital. Mr. Anthony, sent a formal invitation requesting that the delegation meet with Administrator Pruitt. As the Administrator is not available, the NLC leaders appreciate the opportunity to engage with EPA leadership in his stead.

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M. Arnita Hannon Christmon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Matters/Ex. 6**

**Personal Matters/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov];  
RCL's[CNRCLsOIntergov.\_Contacts@epa.gov]  
**From:** Levine, Carolyn  
**Sent:** Thur 8/31/2017 9:06:48 PM  
**Subject:** No weekly update

OCIR's Land, Response, and Enforcement Team has no updates this week. Please let us know if you have any questions.

-----  
*Carolyn Levine*

*Office of Congressional and*

*Intergovernmental Relations*

*U.S. EPA*

*(202) 564-1859*

*levine.carolyn@epa.gov*

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Wed 9/6/2017 11:16:23 AM  
**Subject:** Re: Meeting with NLC Leadership - Thursday, September 7, 2017; 4:45 - 5:45 pm/Room 3530 WJC North

Yaaay thanks so much Layne!

Sent from my iPhone

On Sep 5, 2017, at 11:45 PM, Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)> wrote:

Just excellent. Will prep more tomorrow on this...

Sent from my iPhone

On Sep 5, 2017, at 5:28 PM, Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)> wrote:

Oops – Everyone – One more Piece: Meeting Brief that I did not attach with the first e-mail. Thanks!

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202.564.3704 (O)

**Personal Matters/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**From:** Hannon, Arnita

**Sent:** Tuesday, September 05, 2017 5:17 PM

**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>; Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>; Kenny, Shannon <[Kenny.Shannon@epa.gov](mailto:Kenny.Shannon@epa.gov)>; Pollins, Mark <[Pollins.Mark@epa.gov](mailto:Pollins.Mark@epa.gov)>; Denton, Loren <[Denton.Loren@epa.gov](mailto:Denton.Loren@epa.gov)>; Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>; Stein, Raffael <[Stein.Raffael@epa.gov](mailto:Stein.Raffael@epa.gov)>; Dalbey, Matthew <[Dalbey.Matthew@epa.gov](mailto:Dalbey.Matthew@epa.gov)>; Ames, George <[Ames.George@epa.gov](mailto:Ames.George@epa.gov)>; Kloss, Christopher <[Kloss.Christopher@epa.gov](mailto:Kloss.Christopher@epa.gov)>; Chamberlain, Nick <[Chamberlain.Nick@epa.gov](mailto:Chamberlain.Nick@epa.gov)>; Corr, Elizabeth <[Corr.Elizabeth@epa.gov](mailto:Corr.Elizabeth@epa.gov)>; Grevatt, Peter <[Grevatt.Peter@epa.gov](mailto:Grevatt.Peter@epa.gov)>

**Cc:** Penman, Crystal <[Penman.Crystal@epa.gov](mailto:Penman.Crystal@epa.gov)>; Matthews, Demond <[matthews.demond@epa.gov](mailto:matthews.demond@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Cory, Preston (Katherine) <[Cory.Preston@epa.gov](mailto:Cory.Preston@epa.gov)>; Cheatham-Strickland, Latonia <[Cheatham-Strickland.Latonia@epa.gov](mailto:Cheatham-Strickland.Latonia@epa.gov)>; Richardson, RobinH <[Richardson.RobinH@epa.gov](mailto:Richardson.RobinH@epa.gov)>; Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>; Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>

**Subject:** Meeting with NLC Leadership - Thursday, September 7, 2017; 4:45 - 5:45 pm/Room 3530 WJC North

Hi and thank you all for participating in the upcoming meeting with NLC Leadership on Thursday, 9/7; 4:45 – 5:45 pm/3530 WJC North. We look forward to hearing from the NLC representatives about their policy priorities per the communities they represent. These include a number of priorities where EPA 's partnerships and support are critical, along with how these priorities are reflected in EPA's FY' 18 Budget Proposal, and Congressional action to date. We also look forward to fruitful dialogue with the underlying theme of how we can continue to support the efforts of local government leaders most effectively. *As you know, NLC leaders have identified the following topics for the meeting, and thank you all again so much for being there to address: -CW and DW SRFs; WIFIA; Integrated Planning; Regulatory Challenges in Communities.*

**Attached:**

-Meeting Brief – Includes Agenda and Overview of Session, etc.

--NLC Letter to President Trump: Re: Follow-up to WH Meeting on Infrastructure (July 17, 2017)

- NLC Letter to House Appropriations and Subcommittee on Interior, Environment, and Related Agencies (July 17, 2017)

-NLC Letter to Administrator Pruitt Upon His Nomination (Dec. 20, 2016)

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202.564.3704 (O)

**Personal Matters/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

<BriefingforDAAOCIRNLCLeadershipMtgSept2017.docx>

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Hanson, Andrew[Hanson.Andrew@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Thur 8/31/2017 1:34:28 PM  
**Subject:** Re: Need Your Recommendation on Who to Invite from OP to the NLC Leadership Meeting on Sept 7th

Yaaay! Thanks again!

Sent from my iPhone

On Aug 30, 2017, at 10:08 PM, Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)> wrote:

Fan dang tastic! We will wait for Samantha's reply, it will work out well.

Sent from my iPhone

On Aug 30, 2017, at 5:09 PM, Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)> wrote:

Yaaay! Thanks so much Layne and this is perfectoooo☺! So sorry that Clarence can't come over but the group is jammed and I think he has to go with the other half over to DOT. They will be at the White House just prior to their 4:45 meetings at EPA and DOT so we will get the half most interested in EPA so all will be fine. Elizabeth Corr called today from OGWDW (she also works on WIFIA as you know) and asked about the Agenda and whether you'd be doing the Welcome and Intros and I said oh yes. So you have fans all over the place lol! And now that Integrated Planning has been added, your buddy Deborah Nagle should be coming over, so we are indeed holding down Fort EPA and do hurry on back!

See you soon and thanks again!

A

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Personal Matters/Ex. 6

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**From:** Bangerter, Layne

**Sent:** Wednesday, August 30, 2017 6:57 PM

**To:** Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>

**Cc:** Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>; Matthews, Demond  
<[matthews.demond@epa.gov](mailto:matthews.demond@epa.gov)>

**Subject:** Re: Need Your Recommendation on Who to Invite from OP to the NLC  
Leadership Meeting on Sept 7th

I sent in a full request to Samantha asking that all of them attend or assign appropriate staff. I also asked her to get back to Arnita and keep us all apprised. I do plan on attending.

Hold onto Fort EPA in my absence!

Layne

Sent from my iPhone

On Aug 30, 2017, at 3:47 PM, Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)> wrote:



Oh wow thank you so much Drew! Ideally, I would want to invite all 3 and then of course leave to their outstanding judgement the choosing of who will represent.

Layne, might you pick up the relevant pieces (I **bolded**) from this entry from our Weekly, and maybe drop a note to Samantha and cc Sarah and Robin ahead of my adding them to the invite? Would appreciate deeply!

*--the importance of local governments being at the table during the rulemaking and regulatory process, importance of federalism consultation, and regulatory reform. --*

Probably not a lot of feedback needed here from us on this, but to have a listening ear that could maybe just say we appreciate their focus on these areas and also appreciate that NLC recognizes our commitment to local governments being heard, federalism, and reg reform.

Thursday, Sept. 7/4:45 – 5:45 pm/Room 3530 WJC North

### **EPA to Meet with NLC Leadership**

On Thursday, September 7, 2017 EPA Senior Leadership from OCIR and other Program Offices, will meet with a delegation of National League of Cities leadership. NLC President Matt Zone, Councilmember (Cleveland, OH), and Mayor Karen Freeman Wilson (Gary, IN), 2nd Vice President, and a member of EPA's Local Government Advisory Committee (LGAC), were scheduled to participate in the meeting, but are unable to. Clarence Anthony, NLC CEO and Executive Director, will also be unable to participate. Mayor Pro Tem Hattie Portis Jones (Fairburn, GA), and Deputy Mayor Cynthia Pratt (Lacey, WA), Vice Chairs, Energy, Environment and Natural Resources Committee, will lead the delegation. These key local leaders, representing a cross-section of communities from across the nation, have characterized NLC's "Annual Fly In," as an opportunity to interact with Members of Congress and the Administration to ensure that federal policy issues and initiatives important to cities and towns remain a priority in the nation's capital. Mr. Anthony, sent a formal invitation requesting that the delegation meet with Administrator Pruitt. As the Administrator is not available, the NLC leaders appreciate the opportunity to engage with EPA leadership in his stead.

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202.564.3704 (O)

202.501.1545 (F)  
**Personal Phone/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**From:** Hanson, Andrew

**Sent:** Wednesday, August 30, 2017 5:11 PM

**To:** Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>

**Cc:** Matthews, Demond <[matthews.demond@epa.gov](mailto:matthews.demond@epa.gov)>; Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>

**Subject:** Re: Need Your Recommendation on Who to Invite from OP to the NLC Leadership Meeting on Sept 7th

Well, Samantha Dravis is the agency's actual Designated Federalism Official, so she'd be a natural. (And she would show up if Layne asked her). Otherwise, among career folks, Dr. Sarah Rees (Reg Mgt & Analysis Director) and Robin Kime (Chief of Staff) would both be good, especially if it's made clear to them why they should be there.

If you invite Samantha, ask Layne to send her a quick note asking her to post. If she can't do it, her political deputy would be ok too.

Sent from my iPhone

On Aug 30, 2017, at 2:04 PM, Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)> wrote:

Hey Drew!

Well Carolyn is back from vacay and sort of tweaking things for our upcoming meeting with NLC Leadership on Sept. 7 from 4:45 – 5:45 pm. I'd like to add a couple of OP folks to the invite just to hear (and react to as they deem appropriate) the NLC leadership highlight the following:

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Thanks so much!

“The Other AH”

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202.564.3704 (O)

**Personal Phone/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**From:** Cheatham-Strickland, Latonia  
**Location:** DCRoomARN3428/OCIR  
**Importance:** High  
**Subject:** Canceled: Daily Check-In  
**Start Date/Time:** Thur 9/7/2017 2:15:00 PM  
**End Date/Time:** Thur 9/7/2017 3:00:00 PM

Call In Number: 1

Conference Ext. : **Personal Matters/Ex. 6**

Participant Code:

**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov]  
**From:** Shimmin, Kaitlyn  
**Sent:** Thur 8/31/2017 1:27:33 PM  
**Subject:** 9/1-5 Troy out of Office

Hi all- Troy will be out of the office starting tomorrow until Wednesday. Please track him down today if you need something signed.

Thank you!

Sent from my iPhone

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Forsgren, Lee  
**Sent:** Mon 8/14/2017 5:30:44 PM  
**Subject:** RE: Meeting-Lead and Copper Rule

Sure. This afternoon from 3:30-5:00 pm or Friday from Noon -2:30 work best for me.

**From:** Bangerter, Layne  
**Sent:** Monday, August 14, 2017 1:24 PM  
**To:** Forsgren, Lee <Forsgren.Lee@epa.gov>  
**Subject:** Meeting-Lead and Copper Rule

Would you be able to meet with me and Andrew Hanson about Lead and Copper Rule this week? Thanks! Layne

**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov]  
**From:** Scales, Wuanisha  
**Sent:** Tue 8/15/2017 5:39:43 PM  
**Subject:** Please enter your time in People Plus (nfm)

---



**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Hannon, Arnita[Hannon.Arnita@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Thur 8/31/2017 1:08:08 PM  
**Subject:** RE: Need Your Recommendation on Who to Invite from OP to the NLC Leadership Meeting on Sept 7th

Good hit, Layne-O!

**From:** Bangerter, Layne  
**Sent:** Wednesday, August 30, 2017 6:57 PM  
**To:** Hannon, Arnita <Hannon.Arnita@epa.gov>  
**Cc:** Hanson, Andrew <Hanson.Andrew@epa.gov>; Matthews, Demond <matthews.demond@epa.gov>  
**Subject:** Re: Need Your Recommendation on Who to Invite from OP to the NLC Leadership Meeting on Sept 7th

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Sent from my iPhone

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[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**From:** Hanson, Andrew

**Sent:** Wednesday, August 30, 2017 5:11 PM

**To:** Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>

**Cc:** Matthews, Demond <[matthews.demond@epa.gov](mailto:matthews.demond@epa.gov)>; Bangerter, Layne  
<[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>

**Subject:** Re: Need Your Recommendation on Who to Invite from OP to the NLC  
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Sent from my iPhone

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Thanks so much!

“The Other AH”

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[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**From:** Cheatham-Strickland, Latonia  
**Location:** DCRoomARN3428/OCIR  
**Importance:** High  
**Subject:** Canceled: Daily Check-In  
**Start Date/Time:** Thur 9/14/2017 2:15:00 PM  
**End Date/Time:** Thur 9/14/2017 3:00:00 PM

Call In Number:

Conference Ext.

Participant Code

Non-responsive Conference Code/Ex.6

**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov]  
**From:** Dickerson, Tom  
**Sent:** Thur 8/31/2017 12:18:02 PM  
**Subject:** My retirement send-off

Dear OCIR colleagues,

Thank you all for such a wonderful party and send-off yesterday!

I'm very fortunate to have had the opportunity to work with each of you, and really will miss you.

Best to all,

Tom

**From:** Cheatham-Strickland, Latonia  
**Location:** DCRoomARN3428/OCIR  
**Importance:** High  
**Subject:** Canceled: Daily Check-In  
**Start Date/Time:** Tue 9/12/2017 2:15:00 PM  
**End Date/Time:** Tue 9/12/2017 3:00:00 PM

Call In Number:

Conference Ext. :

Non-responsive Conference Code/Ex.6

Participant Code:



**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** eBusiness\_Support[eBusiness\_Support@epa.gov]  
**From:** eBusiness\_support@epa.gov  
**Sent:** Thur 8/31/2017 11:52:39 AM  
**Subject:** ACTION REQUIRED: Certify your person profile information (WCF reference #150a)

## eBusiness

For your action: Please review and certify the phone and location information below.

In this review, please make sure your phone and office location are correct. If you are a contractor and work from home, please only input your primary office location (no home addresses). Also, please make sure your office and EPA Mobile Device numbers are populated and correct. If they are missing, you can add them manually in eBusiness prior to certification.

[Click here](#) to certify that you have reviewed the phone and location data listed below and it is populated and accurate.

[Click here](#) to edit incorrect or missing profile data. You can add or edit the information in your profile directly in eBusiness. Please note, there are separate tabs for the phone numbers and location data. If you have an incorrect phone number assigned to you that is associated with a registration ID and cannot be edited, please notify [ebusiness\\_support@epa.gov](mailto:ebusiness_support@epa.gov)

[Click here](#) for additional Person Profile Guidance.

**First Name:** Layne

**Preferred Name:**

**Last Name:** Bangerter

**Middle Initial:** R

**Email:** bangerter.layne@epa.gov

**Organization:** (11) AO

**Organization Office:** (A0000000) AO

**Affiliation:** Employee

**Workforce ID:** Personal Matters/Ex. 6

### Office Location:

**Building:** WJC Building North

**Room:** 3442H

**Address:** 1200 Pennsylvania Ave NW

**City:** Washington

**State, ZIP:**

DC, 20460

### Telephone Numbers

:

**Mobile phone:** Personal Matters/Ex. 6

**Office phone:** (202) 564-0468

If you have any questions, please contact your User Profile Administrator, Carol E. Vogel,  
[vogel.carol@epa.gov](mailto:vogel.carol@epa.gov)

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Bowles, Jack  
**Sent:** Tue 8/15/2017 2:36:51 PM  
**Subject:** RE: SLGR Staff Meeting

Okay, I hope it goes well.

Best,  
Jack

-----Original Message-----

From: Bangerter, Layne  
Sent: Tuesday, August 15, 2017 10:36 AM  
To: Bowles, Jack <Bowles.Jack@epa.gov>  
Subject: Re: SLGR Staff Meeting

I have a meeting at USDA.

Sent from my iPhone

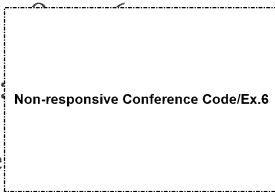
> On Aug 15, 2017, at 10:32 AM, Bowles, Jack <Bowles.Jack@epa.gov> wrote:  
>  
> Confirming staff meeting for today.  
>  
> Call-in: [Non-responsive Conference Code/Ex.6] ext. [Non-responsive Conference Code/Ex.6], code: [Non-responsive Conference Code/Ex.6]  
>  
> Best,  
> Jack  
> <meeting.ics>

**From:** Cheatham-Strickland, Latonia  
**Location:** DCRoomARN3428/OCIR  
**Importance:** High  
**Subject:** Canceled: Daily Check-In  
**Start Date/Time:** Tue 9/5/2017 2:15:00 PM  
**End Date/Time:** Tue 9/5/2017 3:00:00 PM

Call In Number:

Conference Ext.

Participant Code:



**From:** Bowles, Jack  
**Location:** DCRoomARN3428/OCIR  
**Importance:** Normal  
**Subject:** SLGR Staff Meeting  
**Start Date/Time:** Tue 8/15/2017 3:00:00 PM  
**End Date/Time:** Tue 8/15/2017 3:45:00 PM

Confirming staff meeting for today.

**Non-responsive Conference Code/Ex.6**

Best,

Jack

**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov]  
**From:** Barbery, Andrea  
**Sent:** Thur 9/7/2017 2:35:30 PM  
**Subject:** Fwd: Welcome Mike Osinski to OGD as GIAMD Director

FYI - Our fearless leader, off to greener pastures...

Sent from my iPhone

Begin forwarded message:

**From:** "Neal, Kerry" <neal.kerry@epa.gov>  
**Date:** September 7, 2017 at 10:18:28 AM EDT  
**To:** Grants GCRC <Grants\_GCRC@epa.gov>, Grants JROs <Grants\_JROs@epa.gov>, Grants GMOs <Grants\_GMOs@epa.gov>, DAA-Career <DAACareer@epa.gov>, ARA <ARA@epa.gov>, OCFO-SROs <OCFO\_SROs@epa.gov>  
**Cc:** "Polk, Denise" <Polk.Denise@epa.gov>, "Sylvester, Kenneth" <Sylvester.Kenneth@epa.gov>, "Osinski, Michael" <Osinski.Michael@epa.gov>  
**Subject:** Welcome Mike Osinski to OGD as GIAMD Director

Greetings from the Office of Grants and Debarment:

I am pleased to announce that on September 5<sup>th</sup> Mike Osinski has re-joined OGD to serve as the Director of Grants and Interagency Agreements (GIAMD) Division.

Mike began his EPA career as a Presidential Management Fellow in Region 9. After working in the Region's Superfund Program, he moved to EPA Headquarters, where he has held positions in the Office of Environmental Information, the Office of Ground Water and Drinking Water, the Office of Congressional and Intergovernmental Relations (OCIR), and most recently here in OGD as Acting Deputy Office Director and GIAMD Director.

Since 2003, Mike has served as the Director of OCIR's State Partnerships Staff and this year added Regional Operations to his management responsibilities. Mike and his staff have worked with EPA and state leaders in the areas of joint priority setting, funding flexibility, reporting and oversight, performance measurement, and other cross-cutting initiatives to improve state-EPA planning and operations. While serving as the National Program Manager for the State-EPA National Environmental Performance Partnership System

(NEPPS), including the Performance Partnership Grant (PPG) program, Mike has worked closely with OGD for many years on numerous PPG policy and grants management issues. He and his staff have also managed the Agency's Lead Region System and various senior leadership networks such as the Executive Management Council.

Prior to entering public service, Mike worked in the private sector as an environmental laboratory and field services manager and holds a Bachelor of Science in Chemistry from Florida State University and Masters' degrees in Public Administration and Environmental Science from the Indiana University School of Public and Environmental Affairs.

Please join me in welcoming Mike back to OGD. Mike will be sitting in office RRB-51265.

Warm regards,

Kerry

~ ~ ~ ~

*Kerry K. Neal*

Deputy Director

Office of Grants and Debarment

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W. Mail Stop: 3901R

Washington, D.C. 20460

202-564-3766 (direct dial)

**From:** Cheatham-Strickland, Latonia  
**Location:** DCRoomARN3428/OCIR  
**Importance:** High  
**Subject:** Canceled: Daily Check-In  
**Start Date/Time:** Mon 9/4/2017 2:15:00 PM  
**End Date/Time:** Mon 9/4/2017 3:00:00 PM

**Non-responsive Conference Code/Ex.6**



**To:** This Week @ EPA[epanews@epa.gov]  
**From:** This Week @ EPA  
**Sent:** Mon 8/14/2017 4:59:56 PM  
**Subject:** This Week @ EPA – August 14, 2017



August 14, 2017

Banner image taken by Paymon Danesh, Region 5. Iceberg Lake, Glacier National Park, Montana.

[Senior Leadership Message](#) | [Hot Topics](#) | [Key Dates](#) | [Video Spotlight](#) | [Health & Wellness](#) | [IT Corner](#)

## Senior Leader Message –

In case you missed it, on Aug. 8, Administrator Pruitt sent a message to all employees about “[Working with the Office of the Inspector General to Ensure the EPA is a High-Performing Organization](#).” Some of the highlights from his message are:

- There are several types of conduct that constitute fraud, waste, and abuse, and employees are expected to report that conduct through the Office of Inspector General (OIG) email and phone hotlines (OIG\_Hotline@epa.gov; 1-888-546-8740). You may always request anonymity.
- The OIG regularly requires information and assistance from EPA personnel, and the Administrator’s expectation is that EPA managers and staff will provide the OIG with access to the information and materials they need to accomplish their mission.
- The Administrator is committed to working closely with the OIG to prevent improper public disclosure of information and to protect employees from unfair or disrespectful treatment.
- For its part, the OIG will continue to respect the daily demands that managers and staff face and, whenever possible, accommodate time constraints.
- EPA employees are not required to obtain permission from or inform managers before they speak with the OIG.

For more information, please read [the entire memo](#) or visit the [OIG hotline site](#).

## Hot Topics

### New updates to EPA's Report on the Environment



EPA recently released three updates to its online *Report on the Environment* (ROE). The latest changes include:

1. Three updated video guides to help navigate the website
2. A new drinking water "Featured Indicator" on the homepage
3. Updated data for 31 indicators

The ROE, which the agency released in 2015, is an interactive resource showing how the conditions of the environment and human health in the United States are changing over time. Over 80 indicators detailing the status or trend of various aspects of the nation's environment or human health are organized into five themes – Air, Water, Land, Human Exposure and Health, and Ecological Condition.

Visit [EPA's Report on the Environment](#) to explore the latest updates.

### Administrator Pruitt strengthens TSCA new chemicals review program





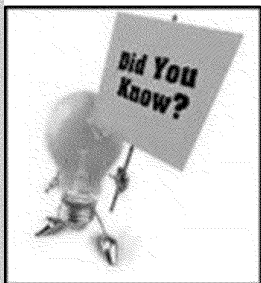
Administrator Pruitt announced last week that the backlog of new chemicals in EPA's review process has been eliminated, and the caseload is now in line with the typical active workload. This was accomplished by redeploying staff and making the review process faster and more efficient.

Under the Toxic Substances Control Act (TSCA), as amended by the 2016 Lautenberg Chemical Safety Act, EPA must assess a new chemical's safety before it can come to market. A new chemical is any chemical that is not listed on the TSCA Inventory for purposes of regulation under TSCA.

Additionally, Administrator Pruitt is committed to continuously improving the new chemicals review program and making the review process more transparent to the public.

For more information, read the [press release](#).

### **Military service deposit information now available in Employee Express**



Effective August 11, employees are able to view their current Military service deposit information through Employee Express (EEX). To access this information, the employee should:

1. Select the link "Federal Employee Benefits Statement" from the main menu in [EEX](#).
2. Select "S - Military Service Deposit" from the category box on the left to produce the report.

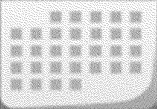


If you have questions related to your benefits statement, please contact your organization's Shared Service Center benefits specialist. If you experience problems with accessing Employee Express, please send an email to: EEXHelp@opm.gov.





## EPA Calendar



Click on each event below to get more details.

Click on the "Add to Calendar" button to add an event to your Outlook calendar.

If you see a log-in screen, please click on your EPA email, or if prompted, enter your email and network password.

### Happening This Week:

#### **Aug. 15-17: EPA 'Eclipse Hunger' Canned Goods Drive**

 ADD TO CALENDAR

#### **Aug 16: Ageism and the Value of an Intergenerational Workforce webinar**

 ADD TO CALENDAR

### Coming Soon:

#### **Aug 22: Web of Science Core Collection webinar**

 ADD TO CALENDAR

#### **Sept. 7: Lean Overview webinar**

 ADD TO CALENDAR

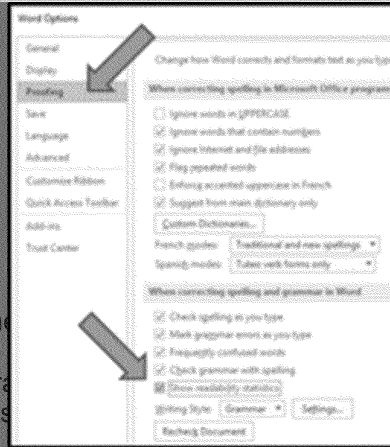
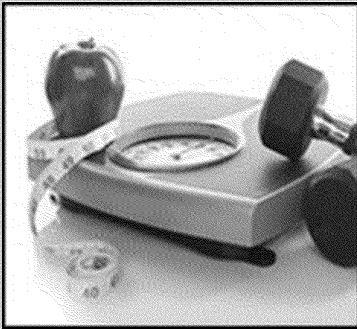
## Local Foods, Local Places: Williamson Health and Wellness Center Anchors Downtown Redevelopment

As with many small Appalachian communities, Williamson faced challenging health concerns, a struggling downtown, and the question of how to diversify their coal-based economy for many years. In May 2015, community members from Williamson participated in the federal Local Foods, Local Places program, which helps people create walkable, healthy, economically vibrant neighborhoods through the development of local food systems. After building the Williamson Health and Wellness Center, it became an anchor for a number of subsequent investments in revitalizing the downtown area, including a community garden and a farmer's market.



(Video length 3:51)





A healthy weight is important for your health. The National Institutes of Health's Heart, Lung and Blood Institute, defines BMI as a ratio of your weight to your height. A BMI that is too low is also a health risk.

The [Assessing Your Weight and Blood Pressure](#) section on EPA's Health and Wellness Intranet site includes the Center for Disease Control's BMI Calculator. Calculating your BMI is an easy way to begin assessing your weight and setting your weight management goals.

If you've been thinking about "getting healthy," there are easy ways to ensure content and documents you are writing follow the [Federal Plain Language Guidelines](#).

Whether you are writing a report, journal article, brochure, or other document to be shared with the public or within the agency, you must use plain language as directed by a federal mandate.

Using Microsoft's readability tool in Word and Outlook, you can check the reading level of your document. The tool will evaluate your writing and give you readability scores according to the Flesch Reading Ease check and Flesch-Kincaid Grade Level check.

#### To enable the readability tool in Microsoft Word:

- >> click the File tab
- >> click Options
- >> click Proofing



Under the section titled "When correcting spelling and grammar in Word":

- >> select the "Check grammar with spelling" check box
- >> select the "Show readability statistics" check box
- >> select "OK" to accept the changes

#### To use the readability tool:

- Open a Word document and use the "Spelling & Grammar" check tool to check the readability of an entire document.



-  Check the readability of specific text in a document by highlighting the portion you want to check and then execute the spelling and grammar check.
-  When Word finishes checking the document or selected text, it displays information about the reading level of the content.

Read more about [testing your document's readability](#) ([Exit](#)).

We would love to hear your feedback about this newsletter. Please contact us at:  
[internalcomms@epa.gov](mailto:internalcomms@epa.gov) |  
<http://intranet.epa.gov/internalcomms>

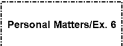

Looking for previous editions of the Newsletter? Go to the [Newsletter Archive](#)

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** eopf-noreply@opm.gov  
**Sent:** Fri 8/25/2017 4:06:50 PM  
**Subject:** eOPF Notification: New Documents Have Been Added to Your Folder

Subject: New Documents Added

This email is to notify you that documents were added to your folder in the electronic Official Personnel File (eOPF) system.

POID : 3216  
Organization Code : EP00AMA0000000  
Activity Code : 0

Agency: [EPA]  
eOPF Account #:  Name: [BANGERTER, LAYNE] POID: 

2 document(s) have been added to your Electronic Official Personnel File(EOPF).

To view your document(s):

1. Log into your agency's eOPF using a government-secured computer.
2. Identify new document(s) by clicking on the "Create Date" column so that new document(s) are listed first.

If you have further questions about the addition of these documents, please contact your HR representative.

Agency: <https://eopf.opm.gov/epa/>

303692



**To:** EPA-DynamicMassMailer[EPA-DynamicMassMailer@epa.gov]  
**From:** OEI-MassMailer-Mailbox  
**Sent:** Thur 8/31/2017 8:40:33 PM  
**Subject:** Cybersecurity Alert Notification: Vishing - Avoiding Technical Support Phone Scams



*Please do not reply to this message.*

## **Alert: Vishing - Avoiding Technical Support Phone Scams**

### **What you Should Know**

There has been a significant increase in the number of "Technical Support Vishing" attempts reported within EPA over the past few months. In these phone scams, cybercriminals often use publicly available phone directories or websites to learn your name and other general information like:

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ Where you work
- ☐ ☐ ☐ ☐ ☐ ☐ ☐ Your specific office or region
- ☐ ☐ ☐ ☐ ☐ ☐ ☐ Your role within the organization

Scammers will use this information to call you under the pretext of providing technical support (i.e., patching, system or software upgrades, etc.) in hopes of gaining your trust. If successful, they will then attempt to obtain even more information, such as your login credentials. In some cases, they may even ask you to go to a legitimate website to install software that gives them access to your computer. This could potentially compromise sensitive information or allow unauthorized access to other resources on EPA's network.

### **What you Should Do**

If someone contacts you claiming to be from any technical support group, you should:

- Always be suspicious of unexpected or unsolicited technical support phone calls.
- Never provide personal, financial or other sensitive information over the phone to an unknown person.

- Never allow a third party access to your computer unless you can confirm that he or she is a legitimate representative of an EPA technical support group. If possible, request and write down the person's name, company/organization and phone number and immediately report it to the EPA Call Center at [epacallcenter@epa.gov](mailto:epacallcenter@epa.gov).
- Never call numbers or respond to messages from internet pop-ups. Cybercriminals set up websites with scam pop-ups to trick you into making contact, revealing sensitive information, installing malware, or allowing unauthorized access to your system.
- Be aware that the technical support teams from the EPA will always self-identify by name, vendor name (if applicable), and internal EPA organization (i.e. EZTech).
- If ever in doubt, call the EPA Call Center at (1-866-411-4372).

If you have any questions regarding this alert, please contact CSIRC at [CSIRC@epa.gov](mailto:CSIRC@epa.gov) or call the CSIRC Hotline at (919) 541-0777.

**To:** Eargle, Frances[Eargle.Frances@epa.gov]  
**Cc:** Matthews, Demond[matthews.demond@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Hanson, Andrew[Hanson.Andrew@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Thur 8/31/2017 1:27:36 AM  
**Subject:** Re: Updates on Upcoming Sept. 7 NLC Leadership Meeting

You're welcome!

Sent from my iPhone

On Aug 30, 2017, at 9:07 PM, Eargle, Frances <Eargle.Frances@epa.gov> wrote:

Thanks for sharing, Arnita!

**From:** Hannon, Arnita  
**Sent:** Wednesday, August 30, 2017 6:50 PM  
**To:** Matthews, Demond <matthews.demond@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>; Cory, Preston (Katherine) <Cory.Preston@epa.gov>  
**Cc:** Bangerter, Layne <bangerter.layne@epa.gov>; Hannon, Arnita <Hannon.Arnita@epa.gov>; Eargle, Frances <Eargle.Frances@epa.gov>  
**Subject:** Updates on Upcoming Sept. 7 NLC Leadership Meeting

4:45 – 5:45/3530 – 9/7

**Reminder: PLEASE “ACCEPT” if you have not. On Friday I am resending the invite to attach the DRAFT Meeting Agenda. Thanks!**

Hey Team –

Carolyn is sort of tweaking next week's meeting and responded with some updates today so just sharing as FYI and I am keeping relevant Program Offices updated accordingly:

-Now **NOT attending**: NLC President – Councilman Zone (Cleveland); 2<sup>nd</sup> Vice President, Mayor Freeman Wilson; Clarence Anthony CEO and ED.

-Mostly EENR members will comprise the group. And EENR leadership – Vice Chairs – will lead the delegation.

**-Group** will be **smaller** as some have to split for DOT meeting at same time.

**-Superfund is OUT** as a topic so I've let Kel and Jim Woolford and Dana Stalcup off the hook. Jackie Harwood will still come over to observe plus, for now, Brownfields is still on the table and Dave Lloyd and crew will be here IF that holds.

**-Integrated Planning has been added** so I've alerted Nagle and Pollins and that team. Plus Forsgren is coming anyway with CW and DWSRF stuff still on the table, and a bit of WIFIA (appropriate OW staff will flank him).

**-Added:** They also will highlight the importance of local governments being at the table during the rulemaking and regulatory process, the importance of federalism consultation, and regulatory reform. Thanks Drew on your guidance for OP targets to add to the invite and I'll pounce once Layne gets feedback from Samantha.

All for now and will keep everyone updated as this comes together. Carolyn is reviewing my Proposed Agenda and will give me edits on Friday as well as a firm list of who will be coming over. *Roughly, we have Welcome and Round Robin Introductions from Layne – with Troy joining the Greetings if he's there. After that we'll hear from the NLC Leadership with an overview of NLC's Priorities Issues Relevant to EPA. Then we'll open for Dialogue and Discussion with Layne facilitating as we help that along.* Will close at 5:45. Will share Revised Agenda once I get Carolyn's feedback.

On Thursday, September 7, 2017 EPA Senior Leadership from OCIR and other Program Offices, will meet with a delegation of National League of Cities leadership. NLC President Matt Zone, Councilmember (Cleveland, OH), and Mayor Karen Freeman Wilson (Gary, IN), 2nd Vice President, and a member of EPA's Local Government Advisory Committee (LGAC), were scheduled to participate in the meeting, but are unable to. Clarence Anthony, NLC CEO and Executive Director, will also be unable to participate. Mayor Pro Tem Hattie Portis Jones (Fairburn, GA), and Deputy Mayor Cynthia Pratt (Lacey, WA), Vice Chairs, Energy, Environment and Natural Resources Committee, will lead the delegation. These key local leaders, representing a cross-section of communities from across the nation, have characterized NLC's "Annual Fly In," as an opportunity to interact with Members of Congress and the Administration to ensure that federal policy issues and initiatives important to cities and towns remain a priority in the nation's capital. Mr. Anthony, sent a formal invitation requesting that the delegation meet with Administrator Pruitt. As the Administrator is not available, the NLC leaders appreciate the opportunity to engage with EPA leadership in his stead.

The leaders are seeking insight on how cities and towns and the Administration can partner to find solutions to the challenges facing their communities, including improving the nation's infrastructure, reducing regulatory burdens, and ensuring that the federal budget priorities meet the needs of their citizens and communities. They are looking forward to dialogue on priority areas of concern, including the Clean and Drinking Water SRFs; Integrated Planning; WIFIA; and Brownfields Programs, and how these priorities are reflected in the 2018 Budget Proposal. They also will highlight the importance of local governments being at the table during the rulemaking and regulatory process, the importance of federalism consultation, and regulatory reform.

M. Arnita Hannon Christmon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Phone/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Mon 8/14/2017 4:27:18 PM  
**Subject:** Lee Forsgren

Hey Layne –

When you have a moment, would you ask L.F. to send you a scheduling request for this week?

Thanks!

**To:** Hannon, Arnita[Hannon.Arnita@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Hanson, Andrew[Hanson.Andrew@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]  
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**Cc:** Bangerter, Layne <bangerter.layne@epa.gov>; Hannon, Arnita <Hannon.Arnita@epa.gov>; Eargle, Frances <Eargle.Frances@epa.gov>  
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M. Arnita Hannon Christmon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Matters/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**To:** Lyons, Troy[lyons.troy@epa.gov]; Richardson, RobinH[Richardson.RobinH@epa.gov]; Osinski, Michael[Osinski.Michael@epa.gov]; Barbery, Andrea[Barbery.Andrea@epa.gov]; Kent, Alison[Kent.Alison@epa.gov]; Saddler, Melissa[Saddler.Melissa@epa.gov]; Nitsch, Chad[Nitsch.Chad@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]; Hanson, Andrew[Hanson.Andrew@epa.gov]; Hannon, Arnita[Hannon.Arnita@epa.gov]; Banks, Portia[Banks.Portia@epa.gov]; Cook-Shyovitz, Becky[Cook-Shyovitz.Becky@epa.gov]; Eargle, Frances[Eargle.Frances@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]; Scott, Sonya[scott.sonya@epa.gov]  
**From:** Bowles, Jack  
**Sent:** Fri 8/11/2017 12:27:52 PM  
**Subject:** Telework Today

Good Morning and Happy Friday,

I am teleworking today and can be reached at the numbers below. From 1:30pm-3:30pm I have a medical appt. and it may take longer for me to return emails or calls.

Best Regards,

**Jack Bowles**

Director of State & Local Relations

U.S. Environmental Protection Agency

202-564-3657 (office) **Personal Matters/Ex. 6**

**To:** MassMailer[massmailer@epa.gov]  
**From:** MassMailer  
**Sent:** Thur 9/7/2017 2:06:35 PM  
**Subject:** Special charitable solicitation to assist those impacted by Hurricane Harvey



**Message from:** Donna J. Vizian, Acting Assistant Administrator, Office of Administration and Resources Management

We are all aware of the devastating effects of Hurricane Harvey. Thousands have been displaced due to the storm and subsequent flooding. Response and recovery efforts are expected to take an extended period of time for a storm of this size. The EPA is supporting relief efforts in many ways and our work is just beginning.

Many Federal employees have expressed a desire to assist those in need who have been affected by this storm. To further assist relief efforts and enable Federal employees to support those in need, the Office of Personnel Management has authorized a special solicitation to support and benefit those impacted by the storm and its aftermath. Special solicitations allow Federal employees to assist disaster relief efforts outside of the normal Combined Federal Campaign and provide immediate relief to families and residents who have been affected during disasters.

You may be wondering how you can help support relief efforts. Here at the EPA, we have decided that the most efficient and effective means of contributing is for employees to connect directly with the charity or charities of their choice. You can find more information on organizations providing disaster relief assistance at [FEMA's donate and volunteer website](#). This list is not exclusive and all donations are voluntary.

This special solicitation is not a part of the CFC. Unlike CFC, we will not be assigning employees to oversee the donation process and payroll deductions will not be available. As a reminder, employees may not collect funds on behalf of charitable organizations in the workplace. When the CFC begins in October,

employees will also have an opportunity to contribute to disaster relief agencies who provide on-going support to individuals across a spectrum of needs.

For more information on disaster relief efforts, updates and assistance, please visit [FEMA's website](#).

**From:** EZTech Notification  
**Sent:** Wed 8/23/2017 2:07:40 PM  
**Subject:** Notice for EZ Tech Users: Required System Updates



Please do not respond to this message. Thank you.

## Summary

Beginning on **Friday, August 25, 2017 at 11:00 p.m. EDT**, EZ Tech will begin distribution of required Security Patches and Application updates to all EZ Tech users. These updates are important as they help keep our computers and network safe by reducing the risk of attacks. To ensure your work productivity during normal work hours is not affected, EZ Tech will automatically distribute patches and updates to all EZ Tech customers' workstations on the EPA network overnight.

## What You Need to Do

Before you leave the office on Friday please ensure your computer is shut down.

- Please note the patches and updates will be applied and your computer will reboot even if your computer is left in a logged in state.
- If your computer is taken off-site, once you logon and have an Internet connection, a window will appear and lead you through the patching and updating process.

## Contact

If you have any questions, please call 1 (866) 411-4EPA (4372) and Press Option 3 for the EZ Tech Service Desk — or [EZTech@epa.gov](mailto:EZTech@epa.gov)

**To:** MassMailer[massmailer@epa.gov]  
**From:** MassMailer  
**Sent:** Wed 11/8/2017 7:53:13 PM  
**Subject:** CFC Donation Portal Now Available!



Colleagues,

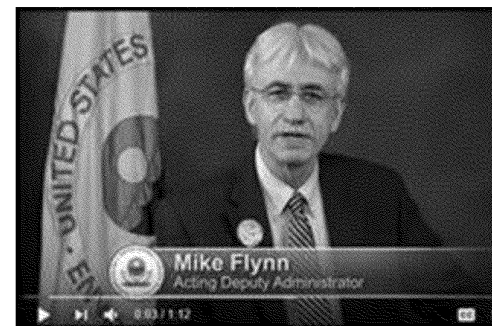
I am pleased to announce that the [Combined Federal Campaign \(CFC\) Donation Portal](#) is now open, providing an easy and secure way for you to contribute to your favorite cause.



**CFC Donation Portal**  
**Announcement by Acting Deputy Administrator**

Thanks to the efforts and generosity of more than 400,000 federal employees, CFC raised over \$167 million for local and national charities last fall. Across our regions, you raised more than \$1 million, exceeding the overall 2016 regional goal. At headquarters, you raised \$735,115 and achieved 98 percent of the goal. Also, the CFC of the National Capital Area surpassed its \$47 million goal by raising \$47,395,571.

Over my many years at EPA, I'm always struck by the tremendous generosity of my EPA colleagues. Your contributions help many charities and organizations continue to provide benefits throughout the nation, and I'm confident we will be just as successful this year.



Video length: 1:12

Take some time to consider the causes that motivate you and encourage your coworkers to do the same. Each gift is valuable and adds up to make a significant difference at local and national levels.

I encourage you to “Show Some Love” by donating today, and I thank each of you for your contribution to making our 2017 CFC campaign a success. Please take a moment to look at the these additional resources, and be sure to follow the important tips for EPA users. If you have any questions about how to donate, contact your CFC coordinator.

To help you make your CFC donation, below is some helpful information:

- [Important donation portal tips for EPA users](#)
- [Step-by-step instructions for making a donation](#)
- [Why donate to CFC?](#)
- [CFC Coordinators list](#)

Mike Flynn

Acting Deputy Administrator

**To:** Hanson, Andrew[Hanson.Andrew@epa.gov]  
**Cc:** Bowles, Jack[Bowles.Jack@epa.gov]; Barbery, Andrea[Barbery.Andrea@epa.gov]; Nitsch, Chad[Nitsch.Chad@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]; Eargle, Frances[Eargle.Frances@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Fri 8/25/2017 2:53:03 PM  
**Subject:** Re: WOTUS Public Outreach Press Release and Roll-Out

Thanks Drew!

Sent from my iPhone

On Aug 25, 2017, at 10:26 AM, Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)> wrote:

Hi Jack –

Please see below, and let us know whether you want us to call the groups or if you want to send out an email. If we do calls, you can be sure that we'll be asked about additional "special, ad hoc" sessions for states, something for which we're still awaiting a decision.

**From:** Drinkard, Andrea  
**Sent:** Friday, August 25, 2017 10:22 AM  
**To:** Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>  
**Cc:** Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>; Matthews, Demond <[matthews.demond@epa.gov](mailto:matthews.demond@epa.gov)>; Eargle, Frances <[Eargle.Frances@epa.gov](mailto:Eargle.Frances@epa.gov)>; Scott, Sonya <[scott.sonya@epa.gov](mailto:scott.sonya@epa.gov)>; Nitsch, Chad <[Nitsch.Chad@epa.gov](mailto:Nitsch.Chad@epa.gov)>; Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>; Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>  
**Subject:** RE: WOTUS Public Outreach Press Release and Roll-Out

Thanks, Andrew. This is super helpful. I think this looks appropriate. We are prepped and ready for 1000 people to join each call. I'm hopeful that that will cover us. If we get into a situation where we see these sessions are filling up we will note to folks that we are getting close to capacity.



We are still on hold for the press release and web posting, so please continue to stand by for a greenlight from me.

**From:** Hanson, Andrew

**Sent:** Friday, August 25, 2017 10:19 AM

**To:** Drinkard, Andrea <[Drinkard.Andrea@epa.gov](mailto:Drinkard.Andrea@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>

**Cc:** Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>; Matthews, Demond <[matthews.demond@epa.gov](mailto:matthews.demond@epa.gov)>; Eargle, Frances <[Eargle.Frances@epa.gov](mailto:Eargle.Frances@epa.gov)>; Scott, Sonya <[scott.sonya@epa.gov](mailto:scott.sonya@epa.gov)>; Nitsch, Chad <[Nitsch.Chad@epa.gov](mailto:Nitsch.Chad@epa.gov)>; Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>; Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>

**Subject:** FW: WOTUS Public Outreach Press Release and Roll-Out

Hi Andrea –

Based on the attachment to your note below, I want to be sure that what you're envisioning for WOTUS stakeholder sessions covers all of OCIR's intergovernmental groups, as it's critical that we direct them to the appropriate calls. Specifically, referring to the categories you cited:

**September 19** – NATaT, any/all interested small communities, and LGAC Small Community Advisory Subcommittee members

**September 26** -- NGA, WGA, ECOS, NCSL, USCM, NLC, NACo, CSG, CEA, ICMA, IOGCC, WSWC, ACWA, APWA, LGAC and other intergovernmental groups.

**October 17** – NASDA

**October 31 – IMCC**

**November 14 – NACWA, ACWA, ASDWA, ASWM, any other state/local water groups**

**November 21 – Any of the above who'd like to participate**

Please let me know if this is how you plan for the stakeholder calls to line up. Also, please be aware that each association likely will invite significant portions of their memberships, so I hope you're set up for high turnout.

Thanks,

AH

564-3664

**From:** Drinkard, Andrea

**Sent:** Thursday, August 24, 2017 4:41 PM

**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Campbell, Ann <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; Cindy Barger <[cindy.s.barger.civ@mail.mil](mailto:cindy.s.barger.civ@mail.mil)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>; Klasen, Matthew <[Klasen.Matthew@epa.gov](mailto:Klasen.Matthew@epa.gov)>; Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>  
**Subject:** RE: WOTUS Public Outreach Press Release and Roll-Out

Hi all—

I'm apparently not very good at math, so I've updated the number of meetings in the attached press release and made one other small edit. Also, I was just told that there is an issue that's still being worked by OP, so the tick tock below is not final. Please **hold** until you hear from me about timing.

Thanks!

**From:** Drinkard, Andrea

**Sent:** Thursday, August 24, 2017 4:04 PM

**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Campbell, Ann <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; 'Barger, Cindy S CIV USARMY HQDA ASA CW (US)' <[cindy.s.barger.civ@mail.mil](mailto:cindy.s.barger.civ@mail.mil)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>; Klasen, Matthew <[Klasen.Matthew@epa.gov](mailto:Klasen.Matthew@epa.gov)>; Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>

**Subject:** WOTUS Public Outreach Press Release and Roll-Out

Hi all—

We are getting ready to announce a set of stakeholder sessions that will help inform the step 2 WOTUS process. Our plan is to issue the attached press release tomorrow morning and then the FR notice will publish on Monday. I apologize to those of you who we're bringing in at the last minute, things moved a bit quicker than I had anticipated.

Here's a quick tick tock for tomorrow. Please let me know if you have any questions and or issues with what I've outlined below.

Thanks.

### **Tick Tock**

8:45AM	FR posts public inspection version to their website
9:45AM	OWOW posts web
10:00AM	OPA issues press release
10:00AM	Social media (twitter only)

Notifications can go out at 10AM or throughout the rest of the day. We have decided to replicate the list (see below) we used last week for the comment extension.

Mike/Benita, let me know if you'd like to bump any of your calls down to OWOW.

Mike:

- Tony Willardson, Western States Water Council (801-685-2555, [twillardson@wswc.utah.gov](mailto:twillardson@wswc.utah.gov))
- Don Parrish, American Farm Bureau Federation (202.406.3667, [donp@fb.org](mailto:donp@fb.org))
- Tracey Mehan, American Water Works Association (703-247-6000,

[tmehan@awwa.org](mailto:tmehan@awwa.org))

Benita:

- Julia Anastasio, Association of Clean Water Administrators: (202.756.0600, [janastasio@acwa-us.org](mailto:janastasio@acwa-us.org))
- Nathan Bowen, Director of Public Policy, National Association of State Departments of Agriculture (202-296-9680, [nathan@nasda.org](mailto:nathan@nasda.org))

John:

- Jeanne Christie, Association of State Wetland Managers
  - Water Environment Federation
  - Association of State Drinking Water Administrators
- ☐☐☐☐☐☐ Regional Division Directors

OCIR:

- National Governors Association
- Western Governors Association
- Environmental Council of the States
- National Council of State Legislatures
- U.S. Conference of Mayors
- National League of Cities
- National Assoc. of Counties
- Local Government Advisory Committee
- National Association of Towns and Townships
- Council of State Governments (OCIR)
- County Executives of America (OCIR)
- International City/County Managers Association (OCIR)

Others:

- ☐☐☐☐☐☐ Broad WOTUS notification listserve that includes industry, environs, agriculture groups, associations, etc. (OW IO)

- Tribes – email to tribal contact lists (Karen Gude)
- Regional Indian Coordinators (Karen Gude, Rose Kwok)
- Regional Public Affairs Directors (Andrea Drinkard or OPA)

Andrea Drinkard

Acting Communications Director

EPA Office of Water

Desk: 202.564.1601

**Personal Matters/Ex. 6**

**From:** Hanson, Andrew  
**Sent:** Mon 8/14/2017 2:43:48 PM  
**Subject:** Oh dear....

*August 14, 2017*

## **QUOTE OF THE DAY**

“Most kids go back to school that day? Can it be done on the weekend?”

—A Dallas mom on Facebook requesting that the Perot Museum move its solar eclipse viewing party, according to the Houston Chronicle. August 21’s solar eclipse cannot be rescheduled.

**From:** Bowles, Jack  
**Sent:** Thur 8/31/2017 8:11:21 PM  
**Subject:** State & Local Weekly Report September 1, 2017



**In this Issue:**

***Current and Upcoming Meetings and Events***

***Local Government Advisory Committee***

***Recap of Recent Events***

**EPA to Meet with NLC Leadership**

On Thursday, September 7, 2017 EPA Senior Leadership from OCIR and other Program Offices, will meet with a delegation of National League of Cities leadership. NLC President Matt Zone, Councilmember (Cleveland, OH), and Mayor Karen Freeman Wilson (Gary, IN), 2nd Vice President, and a member of EPA's Local Government Advisory Committee (LGAC), were scheduled to participate in the meeting, but, due to a conflicting meeting, are now unable to.

Clarence Anthony, NLC CEO and Executive Director, is now also unable to participate. Mayor Pro Tem Hattie Portis Jones (Fairburn, GA), and Deputy Mayor Cynthia Pratt (Lacey, WA), Vice Chairs, Energy, Environment and Natural Resources Committee, will lead the delegation. These key local leaders, representing a cross-section of communities from across the nation, have characterized NLC's "Annual Fly In," as an opportunity to interact with Members of Congress and the Administration to ensure that federal policy issues and initiatives important to cities and towns remain a priority in the nation's capital. Mr. Anthony, sent a formal invitation requesting that the delegation meet with Administrator Pruitt. As the Administrator is not available, the NLC leaders appreciate the opportunity to engage with EPA leadership in his stead.



The leaders are seeking insight on how cities and towns and the Administration can partner to find solutions to the challenges facing their communities, including improving the nation's infrastructure, reducing regulatory burdens, and ensuring that the federal budget priorities meet the needs of their citizens and communities. They are looking forward to dialogue on priority areas of concern, including the Clean and Drinking Water SRFs; Integrated Planning; WIFIA; and Brownfields Programs, and how these priorities are reflected in the 2018 Budget Proposal. They also will highlight the importance of local governments being at the table during the rulemaking and regulatory process, the importance of federalism consultation, and regulatory reform.

In July 17, 2017 letters to both the President and the House Appropriations Committee Leadership, NLC discussed Infrastructure funding concerns, and reiterated its call for direct federal investment to address America's aging infrastructure, and the "people-to-infrastructure" shift. They expressed support for the Administration's proposed \$200 billion in federal incentives to drive private investment in large-scale infrastructure projects. They believe that cities are paying their significant share and are a working case study of what efficiency looks like in government. They reiterated the need for a partner in the federal government to overcome massive infrastructure needs, and their position that there is a need to double the current national investment pace as a country to fill the gap of aging infrastructure. They also stated their belief that the state and local tax deduction is at the heart of the intergovernmental relationship, serving as a vital tool that allows local governments the flexibility to raise needed revenues to support critical infrastructure such as water and sewer systems. The NLC leaders called for full investment in tools to support the public-private infrastructure (P3) model, including the CW and DW SRFs and WIFIA. They also pointed out that many barriers are still in place that hinder a federalized P3 system. Finally, in writing to the President, the NLC leaders supported regulatory streamlining, but cautioned that this effort should not preempt local governance. They also continued their support for the intergovernmental consultation process under the Unfunded Mandates Reform Act of 1995 (UMRA) in response to concerns that unfunded mandates impose additional disproportionate responsibilities on local governments without regard to the fiscal impact of federal policies.

The NLC's letter to the House Appropriations Committee Leadership thanked the committee for passing an Interior and Environment Appropriations Bill that preserves funding for city priorities such as water infrastructure and cleanup programs. However, concerns were expressed about funding reductions for the Clean Water SRF and WIFIA, and NLC's belief that these reductions will hinder local efforts to improve the nation's water infrastructure. The NLC leaders are looking forward to dialogue with the White House, and a number of Federal Agencies, including EPA and DOT, while they are convening in Washington. (Contact: M. Arnita Hannon Christmon)

### **ECOS 2017 Fall Meeting**

The Environmental Council of the States will hold its 2017 Fall Meeting September 11-12 in Jackson Hole, Wyoming. Themed, “Bright Ideas: States Leading the Way,” the agenda covers current issues for state environmental agency leaders, with a strong emphasis on business process improvement. Ken Wagner, Senior Advisor to the Administrator for Regional and State Affairs, will participate on a panel to discuss the evolving relationship between states and EPA, and Henry Darwin, Assistant Deputy Administrator & Chief of Operations, will participate in an interactive session on streamlining and management innovation. Other notable events include a keynote delivered by Wyoming Governor Matt Mead and Lean-focused expo. Following the Fall Meeting, the E-Enterprise for the Environment Leadership Council will meet September 13-14. More information is available here: <https://www.ecos.org/> (Contact: Andrea Barbery)

### **NASDA Annual Meeting**

The National Association of State Departments of Agriculture is holding its annual meeting September 11-14, 2017 in New Orleans, Louisiana. The Business Meeting will take place September 14. Members will choose a new slate of officers and consider adoption of policy resolutions. More information is available at: <http://nasda.org/9381/Events/37972.aspx>

### **MRCTI To Convene Annual Meeting in September**

The Mississippi Rivers Cities and Towns Initiative will host its 6th Annual Meeting September 12–14, 2017, in St. Louis, MO. Mayors Chris Coleman (St. Paul, MN), and Belinda Constant (Gretna, LA), are MRCTI Co-Chairs. The Annual Meeting is co-hosted with the National Caucus of Environmental State Legislators. Twenty-four state legislators are expected from the ten state Mississippi River corridor. The mayors requested that EPA provide remarks during the September 13th Opening Breakfast Session: “State 319 Water Pollution Control Plans and our Water Security.” Jeffrey Robichaud, Region VII’s Acting Director of the Water, Wetlands and Pesticides Division, will represent EPA. Senior Federal officials from the Delta Region Authority; Department of Transportation; FEMA; and, the U.S. Army Corps of Engineers will also participate in the conference.

The Breakfast session panel will involve a discussion about expanding the capacity of the Section 319 Water Pollution Control Grant Program to address Nutrient Loading. The Association is inviting the 319 Grant Plan writers for three Mississippi River states including MO, AR, and IA. The Mayors would like to discuss having the NRCS (USDA Natural Resource Conservation Service) as part of the 319 Grant state plan evaluation process. MRCTI member mayors see the 319 grant as a viable source of funding for work on reducing nutrient loading if the capacity is there. In their view, much like the Sustainable Communities Grant that involved

application evaluations from multiple agencies, the 319 grant could bring-in NRCS. During the session, the mayors hope to hear from the States on how the Section 319 program can be approached more effectively to assist them in directing funds toward nutrient reduction efforts. The member mayors are trying to accomplish two objectives: 1) increase Section 319 Grant capacity to address nutrient loading on a broader scale; and, 2) align with the States, EPA, and NRCS to more effectively apply 319 Grants to nutrient reduction efforts. (Contact: M. Arnita Hannon Christmon)

### **EPA to Meet with Tualitin Hills Park and Recreation District (OR) Local Officials**

OLEM and ORD will join OIR on Tuesday, September 12th for a meeting with representatives of the Tualitin Hills Park and Recreation District to discuss their continuing interest in health and environmental concerns with Synthetic Turf Infill. District officials last met with EPA in February 2016 to discuss this matter. The local officials have also met in previous years with EPA to discuss Environmental Education and Environmental Justice concerns.

In last year's meeting, the local representatives noted that the district has a five year agreement with Field Turf as their sole source provider for the infill. Their agreement includes the use of standard cryogenic rubber infill. The district was looking to change its practice and appreciated the opportunity to discuss this plan with EPA, and to learn that EPA was conducting a study on Synthetic Turf Infill. At that time, public roll-out of the crumb research plan was pending scheduling. As such, ORD staff could not discuss the scope of the planned research. District officials understood that position, but noted that the discussion was still helpful.

In recent updates from ORD, THPRD General Manager Doug Menke has been informed about the status of the EPA Study. Mr. Menke inquired about the status since the District will be making infill decisions in early fall for two additional fields. ORD staff has informed that EPA continues to work toward completion of the study, and that, as updates are available to share, they will appear on the public EPA website. ORD still plans to complete the study by the end of the calendar year. Mr. Menke congratulated ORD on the progress, and reiterated the group's appreciation for last year's meeting with EPA. While Mr. Menke is unable to join the upcoming meeting, Board members Jerry Jones, John Griffiths, and others look forward to additional dialogue and updates when they meet with EPA in September. (Contact: M. Arnita Hannon Christmon)

### **EPA to Meet with Local California Irrigation Districts**

On Wednesday, September 13th, representatives of the Turlock and Modesto Irrigation Districts, and the San Francisco Public Utility Commission (SFPUC), will meet with EPA to discuss the relicensing of the Don Pedro Hydroelectric Project. The two Irrigation Districts hold the federal license for the project, whose operations directly affect SFPUC water and power facilities on the

Tuolumne River. The Districts (public agencies) will submit a final revised relicensing application to FERC in September. The Districts and the SFPUC officials will discuss their views on the use of water temperature models that are more appropriate to conditions in Central California than the older EPA model currently being used by the National Marine Fisheries Service (NMFS) in studies related to the development of mandatory licensing conditions for the Don Pedro Project. Staff from the Office of Water, Office of Science and Technology, and Region IX will join OIR for the meeting.

(Contact: M. Arnita Hannon Christmon)

#### **EPA to Meet with Arcadia and Sierra Madre, CA Local Officials**

A delegation of local officials representing the Towns of Arcadia and Sierra Madre will meet with EPA on Wednesday, September 13th to discuss the Arcadia Arboretum Stormwater Recharge Project, and the Peck Road Park Natural Treatment Facility. OIR is working with the Washington representative for the towns to secure additional information on these facilities, and related concerns. The Office of Groundwater and Drinking Water, Office of Wastewater Management, and the Water Permits Division (OW), along with

Region IX, will join OIR for the meeting. (Contact: M. Arnita Hannon Christmon)

#### **EPA to Meet with Williamsport Water and Sanitary Authority, PA**

Officials representing the Authority will meet with OIR, Office of Water, and Region III staff on Thursday, September 14th regarding water improvements in two communities near Williamsport. The Authority serves these small communities, and they are considered disadvantaged. Authority officials are concerned that these communities have inadequate drinking water, and also are faced with water quality issues such as lead. They are interested in any federal funding and partnerships support that might be available to assist their efforts to address these challenges. Doug Keith, Executive Director, and Chuck Hauser, Engineer, will represent the Authority.

(Contact: M. Arnita Hannon Christmon)

#### **EPA to Meet with Fort Wayne, IN Local Officials**

On Tuesday, September 26th, Deputy Assistant Administrator for Water, Lee Forsgren, along with other OW staff, will join OIR and Region V for a meeting with local Ft. Wayne officials to discuss the City's concerns with past EPA policies governing how water quality revisions made on the basis of Use Attainability Analyses (UAA) are integrated with enforcement of Combined

Sewer Overflow (CSO) Long-Term Control Plans (LTCPs). The City has an ongoing interest in the use of the UAA as the basis for seeking a variance to the City's CSO LTCP. The local officials participating from Fort Wayne City Utilities will be Justin Brugger, Chief Financial Officer, and Matthew Wirtz, Deputy Director/Chief Engineer. (Contact: M. Arnita Hannon Christmon)

-

#### **EPA to Meet with Windsor, CA Local Officials**

Mayor Debora Fudge and her team will meet with EPA on Friday, September 29 to discuss projects the city is considering supporting, including Brownfields and Water and Wastewater Infrastructure. OIR will continue to work with the city's Washington representative to secure additional information on the city's projects of interest for the meeting with headquarters Program and Region IX staff.

(Contact: M. Arnita Hannon Christmon)

The Office of Congressional and Intergovernmental Relations (OCIR) continues its membership process to fill vacancies on the Local Government Advisory Committee (LGAC) and the Small Community Advisory Subcommittee (SCAS). The public solicitation for nominees closed on Thursday, August 10, 2017. EPA Regions continue to play a substantive role in recruiting and vetting new candidates for the LGAC. EPA Regions have been forwarding recommendations for consideration. National intergovernmental organizations such as the National Association of Towns & Townships, National Association of Counties, National League of Cities, and the National Association of State Department Agricultural have provided candidates for nomination. OCIR has received over 65 nominations from the nationwide search for nominees among intergovernmental organizations, trade associations, and non-governmental organizations. Packages and biographies are being gathered to initiated the Nominee Ranking process.

(Contact: Fran Eargle/Demond Matthews)

### **EPA Meeting with Fontana, CA Local Officials Canceled**

Mayor Aquanetta Warren and her team were in Washington August 27 – 30 for meetings with the White House and Federal Agencies. OIR worked with the mayor's staff and Washington representative to plan for a meeting with EPA on Tuesday, August 28th. The meeting was canceled due to the mayor's White House meeting. Mayor Warren and Public Works officials had planned to update EPA on a number of Energy Conservation Projects, including a comprehensive Street Light Conversion initiative that involves a partnership with Southern California Edison (SCE) to convert approximately 11,000 street lights from inefficient High Pressure sodium lighting to LED lighting. It is estimated that the City will save on average 3,600,000 Kilowatt Hours (KWH) of electricity annually upon completion of this project by December 2017. A City Owned Street Light Conversion effort will also convert approximately 770 street lights to LED. Estimated energy savings is 320,000 KWh annually, and this project is also scheduled for completion in December.

Mayor Warren joined EPA's Engagement Session with key mayors during the June 2017 US Conference of Mayors' Annual Meeting in Miami Beach, FL. She expressed great appreciation for the dialogue with former DAA Bennett and other mayors.

Mayor Warren and other Fontana local officials last met with EPA in 2012 to discuss perchlorate contamination and water quality concerns. She continues her interest in protecting her city's water supply, and also in ensuring that water infrastructure needs are addressed. She expressed those interests in the EPA Engagement session during USCM's June 2016 Annual Meeting as well.

(Contacts: M. Arnita Hannon Christmon and Preston Cory)

### **NASDA Conference Call with EPA**

On August 29, Troy Lyons, OCIR Associate Administrator, participated on the first of a series of regularly occurring opportunities to engage with the leadership of the National Association of State Departments of Agriculture (NASDA). The purpose of the Leadership Call is to cultivate and institute a strategic dialogue between NASDA and EPA leadership to better inform and enhance our respective priorities around Cooperative Federalism. Specific issues discussed included Waters of the US, the National Pollutant Discharge Elimination System permitting process, worker protection standards, and other agriculture-related issues (Contact: Chad Nitsch, 564-1474).



**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Hanson, Andrew[Hanson.Andrew@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Wed 8/30/2017 11:09:45 PM  
**Subject:** RE: Need Your Recommendation on Who to Invite from OP to the NLC Leadership Meeting on Sept 7th

Yaaay! Thanks so much Layne and this is perfectoooo☺! So sorry that Clarence can't come over but the group is jammed and I think he has to go with the other half over to DOT. They will be at the White House just prior to their 4:45 meetings at EPA and DOT so we will get the half most interested in EPA so all will be fine. Elizabeth Corr called today from OGWDW (she also works on WIFIA as you know) and asked about the Agenda and whether you'd be doing the Welcome and Intros and I said oh yes. So you have fans all over the place lol! And now that Integrated Planning has been added, your buddy Deborah Nagle should be coming over, so we are indeed holding down Fort EPA and do hurry on back!

See you soon and thanks again!

A

M. Arnita Hannon Christmon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Phone/Ex. 6**

202.501.1545 (Fax)



hannon.arnita@epa.gov

**From:** Bangerter, Layne

**Sent:** Wednesday, August 30, 2017 6:57 PM

**To:** Hannon, Arnita <Hannon.Arnita@epa.gov>

**Cc:** Hanson, Andrew <Hanson.Andrew@epa.gov>; Matthews, Demond  
<matthews.demond@epa.gov>

**Subject:** Re: Need Your Recommendation on Who to Invite from OP to the NLC Leadership Meeting on Sept 7th

I sent in a full request to Samantha asking that all of them attend or assign appropriate staff. I also asked her to get back to Arnita and keep us all apprised. I do plan on attending.

Hold onto Fort EPA in my absence!

Layne

Sent from my iPhone

On Aug 30, 2017, at 3:47 PM, Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)> wrote:

Oh wow thank you so much Drew! Ideally, I would want to invite all 3 and then of course leave to their outstanding judgement the choosing of who will represent.

Layne, might you pick up the relevant pieces (**I bolded**) from this entry from our Weekly, and maybe drop a note to Samantha and cc Sarah and Robin ahead of my adding them to the invite? Would appreciate deeply!

*--the importance of local governments being at the table during the rulemaking and regulatory process, importance of federalism consultation, and regulatory reform. --*

Probably not a lot of feedback needed here from us on this, but to have a listening ear that could maybe just say we appreciate their focus on these areas and also appreciate that NLC recognizes our commitment to local governments being heard, federalism, and reg reform.

Thursday, Sept. 7/4:45 – 5:45 pm/Room 3530 WJC North

### **EPA to Meet with NLC Leadership**

On Thursday, September 7, 2017 EPA Senior Leadership from OCIR and other Program Offices, will meet with a delegation of National League of Cities leadership. NLC President Matt Zone, Councilmember (Cleveland, OH), and Mayor Karen Freeman Wilson (Gary, IN), 2nd Vice President, and a member of EPA's Local Government Advisory Committee (LGAC), were scheduled to participate in the meeting, but are unable to. Clarence Anthony, NLC CEO and Executive Director, will also be unable to participate.

Mayor Pro Tem Hattie Portis Jones (Fairburn, GA), and Deputy Mayor Cynthia Pratt (Lacey, WA), Vice Chairs, Energy, Environment and Natural Resources Committee, will lead the delegation. These key local leaders, representing a cross-section of communities from across the nation, have characterized NLC's "Annual Fly In," as an opportunity to interact with Members of Congress and the Administration to ensure that federal policy issues and initiatives important to cities and towns remain a priority in the nation's capital. Mr. Anthony, sent a formal invitation requesting that the delegation meet with Administrator Pruitt. As the Administrator is not available, the NLC leaders appreciate the opportunity to engage with EPA leadership in his stead.

The leaders are seeking insight on how cities and towns and the Administration can partner to find solutions to the challenges facing their communities, including improving the nation's infrastructure, reducing regulatory burdens, and ensuring that the federal budget priorities meet the needs of their citizens and communities. They are looking forward to dialogue on priority areas of concern, including the Clean and Drinking Water SRFs; Integrated Planning; WIFIA; and Brownfields Programs, and how these priorities are reflected in the 2018 Budget Proposal. ***They also will highlight the importance of local governments being at the table during the rulemaking and regulatory process, the importance of federalism consultation, and regulatory reform.***

M. Arnita Hannon Christmon

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US EPA

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202.564.3704 (O)

**Personal Phone/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**From:** Hanson, Andrew

**Sent:** Wednesday, August 30, 2017 5:11 PM

**To:** Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>

**Cc:** Matthews, Demond <[matthews.demond@epa.gov](mailto:matthews.demond@epa.gov)>; Bangerter, Layne  
<[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>

**Subject:** Re: Need Your Recommendation on Who to Invite from OP to the NLC  
Leadership Meeting on Sept 7th

Well, Samantha Dravis is the agency's actual Designated Federalism Official, so she'd be a natural. (And she would show up if Layne asked her). Otherwise, among career folks, Dr. Sarah Rees (Reg Mgt & Analysis Director) and Robin Kime (Chief of Staff) would both be good, especially if it's made clear to them why they should be there.

If you invite Samantha, ask Layne to send her a quick note asking her to post. If she can't do it, her political deputy would be ok too.

Sent from my iPhone

On Aug 30, 2017, at 2:04 PM, Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)> wrote:

Hey Drew!

Well Carolyn is back from vacay and sort of tweaking things for our upcoming meeting with NLC Leadership on Sept. 7 from 4:45 – 5:45 pm. I'd like to add a couple of OP folks to the invite just to hear (and react to as they deem appropriate) the NLC leadership highlight the following:

*the importance of local governments being at the table during the rulemaking and regulatory process, importance of federalism consultation, and regulatory reform.*

Probably not a lot of feedback needed here from us on this, but to have a listening ear that could maybe just say we appreciate their focus on these areas and also appreciate that NLC recognizes our commitment to local governments being heard, federalism, and reg reform. Anyway, definitely following your guidance on who we might add to the invite to attend.

Thanks so much!

“The Other AH”

M. Arnita Hannon Christmon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Phone/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**To:** Bowles, Jack[Bowles.Jack@epa.gov]  
**Cc:** Hannon, Arnita[Hannon.Arnita@epa.gov]; Barbery, Andrea[Barbery.Andrea@epa.gov]; Nitsch, Chad[Nitsch.Chad@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]; Eargle, Frances[Eargle.Frances@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Fri 8/25/2017 2:26:11 PM  
**Subject:** FW: WOTUS Public Outreach Press Release and Roll-Out

Hi Jack –

Please see below, and let us know whether you want us to call the groups or if you want to send out an email. If we do calls, you can be sure that we'll be asked about additional "special, ad hoc" sessions for states, something for which we're still awaiting a decision.

**From:** Drinkard, Andrea  
**Sent:** Friday, August 25, 2017 10:22 AM  
**To:** Hanson, Andrew <Hanson.Andrew@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>  
**Cc:** Hannon, Arnita <Hannon.Arnita@epa.gov>; Matthews, Demond <matthews.demond@epa.gov>; Eargle, Frances <Eargle.Frances@epa.gov>; Scott, Sonya <scott.sonya@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>; Barbery, Andrea <Barbery.Andrea@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>; Goodin, John <Goodin.John@epa.gov>  
**Subject:** RE: WOTUS Public Outreach Press Release and Roll-Out

Thanks, Andrew. This is super helpful. I think this looks appropriate. We are prepped and ready for 1000 people to join each call. I'm hopeful that that will cover us. If we get into a situation where we see these sessions are filling up we will note to folks that we are getting close to capacity.

We are still on hold for the press release and web posting, so please continue to stand by for a greenlight from me.

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**To:** Drinkard, Andrea <[Drinkard.Andrea@epa.gov](mailto:Drinkard.Andrea@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>  
**Cc:** Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>; Matthews, Demond <[matthews.demond@epa.gov](mailto:matthews.demond@epa.gov)>; Eargle, Frances <[Eargle.Frances@epa.gov](mailto:Eargle.Frances@epa.gov)>; Scott, Sonya <[scott.sonya@epa.gov](mailto:scott.sonya@epa.gov)>; Nitsch, Chad <[Nitsch.Chad@epa.gov](mailto:Nitsch.Chad@epa.gov)>; Barbery, Andrea <[Barbery.Andrea@epa.gov](mailto:Barbery.Andrea@epa.gov)>; Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>  
**Subject:** FW: WOTUS Public Outreach Press Release and Roll-Out

Hi Andrea –

Based on the attachment to your note below, I want to be sure that what you're envisioning for WOTUS stakeholder sessions covers all of OCIR's intergovernmental groups, as it's critical that we direct them to the appropriate calls. Specifically, referring to the categories you cited:

**September 19** – NATaT, any/all interested small communities, and LGAC Small Community Advisory Subcommittee members

**September 26** -- NGA, WGA, ECOS, NCSL, USCM, NLC, NACo, CSG, CEA, ICMA, IOGCC, WSWC, ACWA, APWA, LGAC and other intergovernmental groups.

**October 17** – NASDA

**October 31** – IMCC

**November 14** – NACWA, ACWA, ASDWA, ASWM, any other state/local water groups

**November 21** – Any of the above who'd like to participate

Please let me know if this is how you plan for the stakeholder calls to line up. Also, please be aware that each association likely will invite significant portions of their memberships, so I hope you're set up for high turnout.

Thanks,

AH

564-3664

**From:** Drinkard, Andrea

**Sent:** Thursday, August 24, 2017 4:41 PM

**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Campbell, Ann <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; Cindy Barger <[cindy.s.barger.civ@mail.mil](mailto:cindy.s.barger.civ@mail.mil)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>; Klasen, Matthew



<Klasen.Matthew@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>

**Subject:** RE: WOTUS Public Outreach Press Release and Roll-Out

Hi all—

I'm apparently not very good at math, so I've updated the number of meetings in the attached press release and made one other small edit. Also, I was just told that there is an issue that's still being worked by OP, so the tick tock below is not final. Please **hold** until you hear from me about timing.

Thanks!

**From:** Drinkard, Andrea

**Sent:** Thursday, August 24, 2017 4:04 PM

**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>; Forsgren, Lee <Forsgren.Lee@epa.gov>; Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; 'Barger, Cindy S CIV USARMY HQDA ASA CW (US)' <cindy.s.barger.civ@mail.mil>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Borum, Denis <Borum.Denis@epa.gov>; Klasen, Matthew <Klasen.Matthew@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>

**Subject:** WOTUS Public Outreach Press Release and Roll-Out

Hi all—

We are getting ready to announce a set of stakeholder sessions that will help inform the step 2 WOTUS process. Our plan is to issue the attached press release tomorrow morning and then the FR notice will publish on Monday. I apologize to those of you who we're bringing in at the last minute, things moved a bit quicker than I had anticipated.

Here's a quick tick tock for tomorrow. Please let me know if you have any questions and or issues with what I've outlined below.



Thanks.

### **Tick Tock**

8:45AM	FR posts public inspection version to their website
9:45AM	OWOW posts web
10:00AM	OPA issues press release
10:00AM	Social media (twitter only)

Notifications can go out at 10AM or throughout the rest of the day. We have decided to replicate the list (see below) we used last week for the comment extension.

Mike/Benita, let me know if you'd like to bump any of your calls down to OWOW.

Mike:

- Tony Willardson, Western States Water Council (801-685-2555, [twillardson@wswc.utah.gov](mailto:twillardson@wswc.utah.gov))
- Don Parrish, American Farm Bureau Federation (202.406.3667, [donp@fb.org](mailto:donp@fb.org))
- Tracey Mehan, American Water Works Association (703-247-6000, [tmehan@awwa.org](mailto:tmehan@awwa.org))

Benita:

- Julia Anastasio, Association of Clean Water Administrators: (202.756.0600, [janastasio@acwa-us.org](mailto:janastasio@acwa-us.org))
- Nathan Bowen, Director of Public Policy, National Association of State Departments of

Agriculture (202-296-9680, [nathan@nasda.org](mailto:nathan@nasda.org))

John:

- Jeanne Christie, Association of State Wetland Managers
  - Water Environment Federation
  - Association of State Drinking Water Administrators
- [redacted] Regional Division Directors

OCIR:

- National Governors Association
- Western Governors Association
- Environmental Council of the States
- National Council of State Legislatures
- U.S. Conference of Mayors
- National League of Cities
- National Assoc. of Counties
- Local Government Advisory Committee
- National Association of Towns and Townships
- Council of State Governments (OCIR)
- County Executives of America (OCIR)
- International City/County Managers Association (OCIR)

Others:

- [redacted] Broad WOTUS notification listserve that includes industry, environs, agriculture groups, associations, etc. (OW IO)
- [redacted] Tribes – email to tribal contact lists (Karen Gude)
- [redacted] Regional Indian Coordinators (Karen Gude, Rose Kwok)
- [redacted] Regional Public Affairs Directors (Andrea Drinkard or OPA)

Andrea Drinkard

Acting Communications Director

EPA Office of Water

Desk: 202.564.1601

**Personal Phone/Ex. 6**

**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov]  
**From:** Kent, Alison  
**Sent:** Thur 9/14/2017 3:52:32 PM  
**Subject:** State and Regional Partnerships Weekly report 9.14. Let us know if you have any questions!  
[State and Regional Partnerships 9.14.docx](#)

## **State and Regional Partnerships Weekly Report**

**September 14, 2017**

-

### **State Partnerships**

#### **Environmental Council of the States (ECOS) 2017 Fall Meeting**

- ECOS held its 2017 Fall Meeting September 11-12 in Jackson Hole, Wyoming. Themed, “Bright Ideas: States Leading the Way,” the agenda covered current issues for state environmental agency leaders, with a strong emphasis on business process improvement. Ken Wagner, Senior Advisor to the Administrator for Regional and State Affairs, participated on a panel to discuss the evolving relationship between states and EPA. In addition, Henry Darwin, Assistant Deputy Administrator & Chief of Operations, participated in an interactive session on streamlining management innovation. Other notable events included a keynote delivered by Wyoming Governor Matt Mead and a Lean-focused expo. The E-Enterprise for the Environment Leadership Council met September 13-14 (POC, Andrea Barbary, 564-1397).

### **National Environmental Performance Partnership System**

#### **FY 2018-19 NEPPS NPM Guidance**

- OCIR has submitted the final draft of the NPM Guidance and response to comment documents to OCFO for senior leadership review. After senior leadership review, the final documents are expected to be published and available on the EPA website by the end of September (POCs, Mike Dexter, 564-7437 & Dan Murphy, 564-3227).

#### **FY 2018-2022 EPA Strategic Plan**

- The OIR Team worked with OCFO in submitting two long-term Strategic Measures for inclusion in the draft FY 2018-22 Strategic Plan, as one of the Agency’s strategic objectives in promoting Cooperative Federalism. The draft Plan is presently under review by senior leadership and OMB (POC, Dan Murphy, 564-3227).

## **PPG Capacity and Utilization Analysis**

- The team has prepared a PowerPoint presentation including preliminary results, implications, and feasibility models of increasing PPG utilization across the regions. The team plans to brief senior management on September 18 (POCs, Alison Kent, 564-7645 & Dan Murphy, 564-3227 & Mike Dexter, 564-7437).

## **Regional Partnerships**

### **RA/AA/DRA Calls**

- The Regional and HQ 1<sup>st</sup> assistants will postpone their weekly check-in this week due to scheduling conflicts. The call will resume September 19 (POC, Melissa Saddler, 564-5455).

### **Lead Region Coordinators (LRCs)**

- The LRCs are seeking improvement of the Lead Region System through a pilot extension of the current Lead Region Cycle from two to three years (FY17 – FY19). Senior management from Region 8 and OCIR will be briefed on October 4 (POC, Alison Kent, 564-7645).

### **OCIR SharePoint Site**

- Senior management will soon announce the launch of the OCIR SharePoint site. Demonstrations, training, and feedback sessions will be arranged for OCIR staff (POC, Melissa Saddler, 564-5455).

### **Other**

- Michael Dexter and Ali Kent have been called up to staff the Emergency Operations Center/ Resources Unit in response to Hurricane Irma/ Harvey effective next week. Senior management was briefed on September 13 (POC, Alison Kent, 564,7645).

### **Upcoming Meetings**

<b>Chesapeake Bay Commission</b>	<b>September 7-8</b>	<b>Solomon, MD</b>
<b>ECOS 2017 Fall Meeting</b>	September 11-12	Jackson Hole, WY
<b>NASDA Annual Meeting</b>	September 11-14	New Orleans, LA
<b>HQ/ Regional 1<sup>st</sup> Assistant</b>	September 19	Weekly video teleconference
<b>NEPPS Coordinators</b>	September 21	Monthly teleconference (3rd THUR)
<b>Acting DRA</b>	September 21	Monthly teleconference
<b>Lead Region Coordinators</b>	September 28	Monthly teleconference (4 <sup>th</sup> THUR)
<b>Executive Management Council (EMC)</b>	November 14-16	Potomac Yard

Alison (Ali) Kent

Lead Region Program Manager

Special Emphasis Program Manager (SEPM)

State and Regional Partnerships | Office of Congressional and Intergovernmental Relations

Office of the Administrator | Environmental Protection Agency

WCJN 3450G | 202-564-7645 (Direct)

I am an EPA LGBTQ+ Ally. [Learn more and take the Pledge here.](#)

**State and Regional Partnerships Weekly Report  
September 14, 2017**

**State Partnerships**

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**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov];  
RCL's[CNRCLsOIntergov.\_Contacts@epa.gov]  
**From:** Haman, Patricia  
**Sent:** Thur 8/31/2017 7:58:10 PM  
**Subject:** Air Team Weekly 8-28-2017  
[Air Team Weekly8-28-2017.docx](#)

Have a great holiday weekend everyone. Pat

**Office of Congressional and Intergovernmental Relations**

**Air Team Report**

Week of August 28, 2017

**Hearings/Mark Ups/Regulations** \_\_\_\_\_

- Nothing new to report.

**Meetings/Briefings/Roll-outs** \_\_\_\_\_

- Hurricane Harvey – EPA has approved multiple emergency fuel waiver requests for states impacted by the storm. Our thoughts are with all those affected by the devastating floods in Texas and beyond.
- On Tuesday, 8/29, EPA staff discussed with Rep. Knight's staff concerns one of their constituents has with [state required] vehicle standards they view as onerous. After hearing them out, EPA technical staff gave a short overview of how NAAQS relate to SIPs and the role of the states. A contact for CARB has been provided for the Congressional staff to follow up with.

**Legislation of Interest** \_\_\_\_\_

Nothing to report this week.

**To:** Hanson, Andrew[Hanson.Andrew@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]  
**Cc:** Hannon, Arnita[Hannon.Arnita@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]; Eargle, Frances[Eargle.Frances@epa.gov]; Scott, Sonya[scott.sonya@epa.gov]; Nitsch, Chad[Nitsch.Chad@epa.gov]; Barbery, Andrea[Barbery.Andrea@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Goodin, John[Goodin.John@epa.gov]  
**From:** Drinkard, Andrea  
**Sent:** Fri 8/25/2017 2:21:54 PM  
**Subject:** RE: WOTUS Public Outreach Press Release and Roll-Out

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**Cc:** Hannon, Arnita <Hannon.Arnita@epa.gov>; Matthews, Demond <matthews.demond@epa.gov>; Eargle, Frances <Eargle.Frances@epa.gov>; Scott, Sonya <scott.sonya@epa.gov>; Nitsch, Chad <Nitsch.Chad@epa.gov>; Barbery, Andrea <Barbery.Andrea@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>; Goodin, John <Goodin.John@epa.gov>  
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Thanks,

AH

564-3664

**From:** Drinkard, Andrea

**Sent:** Thursday, August 24, 2017 4:41 PM

**To:** Grantham, Nancy <[Grantham.Nancy@epa.gov](mailto:Grantham.Nancy@epa.gov)>; Forsgren, Lee <[Forsgren.Lee@epa.gov](mailto:Forsgren.Lee@epa.gov)>; Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Shapiro, Mike <[Shapiro.Mike@epa.gov](mailto:Shapiro.Mike@epa.gov)>; Best-Wong, Benita <[Best-Wong.Benita@epa.gov](mailto:Best-Wong.Benita@epa.gov)>; Campbell, Ann <[Campbell.Ann@epa.gov](mailto:Campbell.Ann@epa.gov)>; Goodin, John <[Goodin.John@epa.gov](mailto:Goodin.John@epa.gov)>; Christensen, Damaris <[Christensen.Damaris@epa.gov](mailto:Christensen.Damaris@epa.gov)>; Kwok, Rose <[Kwok.Rose@epa.gov](mailto:Kwok.Rose@epa.gov)>; Cindy Barger <[cindy.s.barger.civ@mail.mil](mailto:cindy.s.barger.civ@mail.mil)>; Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>; Borum, Denis <[Borum.Denis@epa.gov](mailto:Borum.Denis@epa.gov)>; Klasen, Matthew <[Klasen.Matthew@epa.gov](mailto:Klasen.Matthew@epa.gov)>; Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>

**Subject:** RE: WOTUS Public Outreach Press Release and Roll-Out

Hi all—

I'm apparently not very good at math, so I've updated the number of meetings in the attached press release and made one other small edit. Also, I was just told that there is an issue that's still being worked by OP, so the tick tock below is not final. Please **hold** until you hear from me about timing.

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Goodin, John <Goodin.John@epa.gov>; Christensen, Damaris  
<Christensen.Damaris@epa.gov>; Kwok, Rose <Kwok.Rose@epa.gov>; 'Barger, Cindy S CIV  
USARMY HQDA ASA CW (US)' <cindy.s.barger.civ@mail.mil>; Eisenberg, Mindy  
<Eisenberg.Mindy@epa.gov>; Bowles, Jack <Bowles.Jack@epa.gov>; Borum, Denis  
<Borum.Denis@epa.gov>; Klasen, Matthew <Klasen.Matthew@epa.gov>; Hanson, Andrew  
<Hanson.Andrew@epa.gov>

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- [redacted] Tribes – email to tribal contact lists (Karen Gude)
- [redacted] Regional Indian Coordinators (Karen Gude, Rose Kwok)
- [redacted] Regional Public Affairs Directors (Andrea Drinkard or OPA)

Andrea Drinkard

Acting Communications Director

EPA Office of Water

Desk: 202.564.1601

**Personal Phone/Ex. 6**

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Fri 8/18/2017 4:50:12 PM  
**Subject:** FW: FAREWELL MESSAGE FROM THE CHIEF: Cherished Memories, Lasting Friendships and a Lifelong Love for Public Lands and Service

**From:** Hanson, Tracey A -FS [mailto:traceyahanson@fs.fed.us]  
**Sent:** Friday, August 18, 2017 12:36 PM  
**To:** Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Subject:** FW: FAREWELL MESSAGE FROM THE CHIEF: Cherished Memories, Lasting Friendships and a Lifelong Love for Public Lands and Service

FYI

**From:** FS-Office of the Chief  
**Sent:** Friday, August 18, 2017 12:33 PM  
**To:** FS-All FS <allfs@ms.fs.fed.us>  
**Subject:** FAREWELL MESSAGE FROM THE CHIEF: Cherished Memories, Lasting Friendships and a Lifelong Love for Public Lands and Service

On September 1, I will step down as your Chief and leave the Forest Service—carrying with me more than 40 years of cherished memories, lasting friendships and a lifelong love for public lands and service. It has been my greatest honor to serve, a privilege and most rewarding experience.

When I started in this position eight years ago, I asked you to focus on restoring the ecological resilience of our lands, take a risk management approach to wildland fire, change our safety culture to better protect lives, create an inclusive Agency that values diversity, and to strengthen our connection to communities.

Thank you for all of the tremendous achievements, and the progress we have made. Yes, there is still much more to do, more challenges to confront; but I want you to feel good about what has been accomplished—and just as important, remain inspired by how you have done it. Together we have learned the lasting value of shared leadership, in an agency that welcomes diversity, fosters inclusivity and works collaboratively. This is becoming our standard, how we show up. This is why you are making, and will

continue to make, a difference.

Further, I appreciate the progress we have made to eliminate harassment in the work environment. Our employees and our public deserve nothing less.

We have lived through some tough days responding to natural disasters and dangers that come from keeping citizens safe. We have been called to respond in a way that only the Forest Service can. We have grieved together, far too many times, for those who have lost their lives in support of our mission. By far these have been the most trying times for me. But I was always grateful for how you showed up to respect the sacrifices of others, to lend your support for grieving families, friends and co-workers, to help them begin healing from their loss. That, along with your commitment to our safety journey, to do what we can to ensure everyone returns home safely every day, is what carried me through those times. I know you will continue our progress on this never-ending Journey.

When I think about our mission and how emphasis may shift over time, one constant anchor remains: land stewardship and service to all people. We must live up to the responsibility to restore and sustain our nation's forests and grasslands and ensure future generations inherit the same opportunities to receive the benefits many Americans often take for granted. The clean air, clean water, the biodiversity, the wildlife and fisheries habitat, the recreational settings and the economic activity that are essential to America.

It would be far easier to focus only on the short term, the issues of the day. But it takes a group of dedicated and committed employees to take the long view; with it comes the noble responsibility of striking that balance between meeting needs of the present generation while ensuring Forests and Grasslands will be there for the future.

We are fortunate to have gained so many partners, cooperators, and communities that have stepped up through collaboration to find solutions to how we should manage and care for these lands.

I will be forever grateful for your support and respect for the Office of the Chief. Where it takes all of us—our partners, our States, our tribes, interagency coordination and cooperation—to deliver our mission, no position requires more support than the Chief.

No one has appreciated that support more than I.

I know you will extend the same support to the next Chief: your new Chief will certainly appreciate it as much as I have.

The dedication, the commitment, the passion you bring to work every day---that makes such a difference in so many people's lives – have made me proud to have been part of this Agency.

Thank you for all you do.

Tom

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

**To:** Anderson, Denise[anderson.denise@epa.gov]  
**From:** Anderson, Denise  
**Sent:** Thur 8/10/2017 9:28:13 PM  
**Subject:** Friday, August 11, 2017 | Schedule for Acting Deputy Administrator Mike Flynn

## **Schedule for Acting Deputy Administrator Mike Flynn**

**Friday, August 11, 2017**

12:00 AM - 12:00 AM OUT OF THE OFFICE -

###

Denise L. Anderson

Office of the Administrator

Desk: 202-564-1782

**Personal Phone/Ex. 6**

anderson.denise@epa.gov

**To:** MassMailer[massmailer@epa.gov]  
**From:** MassMailer  
**Sent:** Mon 11/6/2017 7:43:29 PM  
**Subject:** 2017 Federal Benefits Open Season announcement



**From:** Donna J. Vizian, Acting Assistant Administrator, Office of Administration and Resources Management

-

Federal Benefits Open Season is Nov. 13 through Dec. 11, 2017. During the annual open season, employees can take the actions listed below. If you are satisfied with your dental plan, vision plan, health plan, or enrollment in EPA's Voluntary Leave Bank Program membership, you are not required to take any action.

- Enroll in a [Flexible Spending Account \(FSA\)](#) – a health care and/or dependent care account under the FSAFEDS Program.

- o Unlike with other programs, employees MUST re-enroll in FSAFEDS each year to participate. Enrollments DO NOT automatically continue from year to year.

- Enroll in, change, or cancel an existing enrollment in a [dental plan](#) or [vision plan](#) under the FEDVIP Program.

- Enroll in, change, or cancel an existing enrollment in a [health plan](#) under the FEHB Program.

- o You must visit [Employee Express \(EEX\)](#) to enroll in, change, or terminate your FEHB coverage.

- o Forgotten login ID and/or password: Follow the instructions on the EEX website for login and/or password resets. You may also contact the [EEX Help Desk](#).

- Enroll in or withdraw from EPA's Voluntary Leave Bank Program by completing EPA Form 3160-6, "Leave Bank Election Form," and submit it to your local leave bank coordinator.

If you have any additional questions or need assistance regarding open season, please visit EPA's 2017 Benefits Open Season intranet site or contact your organization's Shared Service Center benefits specialist.

**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov];  
RCL's[CNRCLsOIntergov.\_Contacts@epa.gov]; Skane, Elizabeth[Skane.Elizabeth@epa.gov]; Campbell,  
Ann[Campbell.Ann@epa.gov]; Christensen, Christina[Christensen.Christina@epa.gov]; Dennis,  
Allison[Dennis.Allison@epa.gov]; Dinkins, Darlene[Dinkins.Darlene@epa.gov]; Drinkard,  
Andrea[Drinkard.Andrea@epa.gov]; Farris, Erika D.[Farris.Erika@epa.gov]; Jakob,  
Avivah[Jakob.Avivah@epa.gov]; Milbourn, Cathy[Milbourn.Cathy@epa.gov]; Orvin,  
Chris[Orvin.Chris@epa.gov]; Parsons, Doug[Parsons.Douglas@epa.gov]; Peck,  
Gregory[Peck.Gregory@epa.gov]; Pierce, Alison[Pierce.Alison@epa.gov]; Scheifele,  
Hans[Scheifele.Hans@epa.gov]; Schmit, Ryan[schmit.ryan@epa.gov]; Sisco,  
Debby[Sisco.Debby@epa.gov]; Strauss, Linda[Strauss.Linda@epa.gov]; Tiago,  
Joseph[Tiago.Joseph@epa.gov]; Walsh, Ed[Walsh.Ed@epa.gov]  
**From:** Kaiser, Sven-Erik  
**Sent:** Thur 8/31/2017 7:56:31 PM  
**Subject:** OCIR Water, Pesticides and Toxics Team Weekly Report  
[9.4.2017.docx](#)

Please take a look and let us know if any questions. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753



**Office of Congressional and Intergovernmental Relations**  
**Water, Pesticides and Toxics Team**  
**Week of September 4, 2017**

**House and Senate return on September 5**

**HOT ISSUES:**

- WIFIA (Matt)
- Waters of the U.S., Executive Order, litigation, & replacement rulemaking (Denis)
- Lead in drinking water (Matt)
- WIIN Act (Matt)
- PRIA Reauthorization (Sven)
- Asian Carp/Great Lakes (Denis)
- PFCs/PFOA/PFOS/GenX (Matt)

**MEETINGS/BRIEFINGS/ANNOUNCEMENTS:**

**Aug 28** – House T&I staff briefing on U.S.-Mexico Border water inf program w/OW, OITA, R6, R9 (Matt)

**Aug 28** – Sen. Cardin staff briefing on water infrastructure w/OW (Matt/Sven)

**Sept 5** – House T&I staff briefing on WIFIA w/OW (Matt/Denis)

**TBD** – Notification of Formaldehyde Compliance Date Extension Rule (Sven)

**TBD** – Cong. Weber (TX) briefing on EPA review process for pending USACE dredge permits (Denis)

**TBD** – Transmittal of 2017 Gulf Hypoxia Task Force Report to Congress w/OW (Denis)

**TBD** – Transmittal of 2017 National Water Quality Indicators Report to Congress w/OW (Denis)

**TBD** – Senate and House staff briefing on TSCA New Chemicals program w/OCSP (Sven)

**TBD** – Possible House T&I hearing on water infrastructure; no EPA witness (Matt)

**TBD** – Transmittal of 2015 DWSRF Needs Survey Report to Congress w/OW (Matt)

**HEARINGS/MARKUPS:**

None

**115<sup>th</sup> CONGRESS LEGISLATION:**

**HR 465** – Gibbs (OH), codifies integrated wastewater and stormwater planning (Matt)

**HR 953** – Gibbs (OH), negates NPDES pesticide general permit, **Passed House May 24** (Matt)

**HR 1029** – Davis (IL), PRIA 4, reauthorizes pesticide registration fees, **Passed House March 20, Senate Ag hearing May 11, Passed Senate Ag June 29** (Sven)

**HR 1068** – Pallone (NJ)/Tonko (NY), comprehensive update to SDWA, also incorporates the text of other bills, including HR 1071 (Tonko/Pallone) and HR 2479 (Pallone) (Matt)

**HR 1154** – Hunter (CA), addresses ballast water discharges (Denis)

**HR 1261** – Thornberry (TX), revises navigable waters definition and limits CWA jurisdiction (Denis)

**HR 1647** – Blumenauer (OR), establishes water trust fund to support SRFs (Matt)

**HR 1674** – DeLauro (CT), LI Sound restoration reauthorization (Denis)

**HR 1971** – Smucker (PA), companion to S 692 on integrated planning (Matt)

**HR 1974** – Kildee (MI), NO LEAD Act, Requires lead & copper rule update within 9 months; adds lead sampling and transparency requirements (Matt)

**HR 2355** – Latta (OH), companion to S 692 on integrated planning (Matt)

**HR 2510** – DeFazio (OR), amends CWA for small/disadvantaged community technical assistance and CWSRF prioritization; reauthorizes sewer grant program (Matt)  
**HR 2923** – Graves (LA), authorizes Gulf of Mexico partnership (NOAA) and provides gift and borrowing authority to RESTORE Council (Matt)  
**HR 3106** – Boyle (PA), would require EPA to set MCL for PFOA and PFOS within two years (Matt)  
**HR 3206** – Dingell (MI), affects delivery and compilation of SDWA Consumer Confidence Reports (Matt)  
**HR 3248** – Cartwright (PA), authorizes WaterSense, incorporates in federal procurement, and creates early-adopter incentive program (Denis)  
**HR 3380** – Velazquez (NY), with S 1624, bans chlorpyrifos (Sven)  
**HR 3387** – Harper (MS), Drinking Water System Improvement Act of 2017, **Passed House Energy & Commerce July 27 with amendment; floor action TBD; views to OMB and feedback to CBO sent the week of Aug 14 (Matt)**  
  
**S 168** – Wicker (MS), addresses ballast water discharges, **Passed Senate Commerce Jan 24** (Denis)  
**S 181** – Brown (OH), broadens Buy America use in infrastructure projects (Matt)  
**S 340** – Crapo (ID), stops NPDES pesticide general permit (Matt)  
**S 518** – Wicker (MS), technical assistance for small POTWs, **Passed SEPW April 5** (Matt)  
**S 519** – Gillibrand/Schumer (NY), requires SDWA MCLG and MCL for PFOA, PFOS, 1,4-dioxane, and perchlorate within two years (Matt)  
**S 675** – Gillibrand (NY), Long Island Sound funding, **Passed SEPW April 5** (Denis)  
**S 692** – Fischer (NE)/Cardin (MD), integrated planning, **Passed SEPW April 5** (Matt)  
**S 880** – Baldwin (WI), makes DWSRF AIS provisions permanent (Matt)  
**S 914** – Shaheen (NH)/Portman (OH), enhances federal coordination and state assistance for emerging contaminant testing and analysis (Matt)  
**S 1057** – Nelson (FL), amends HABHRCA (algal blooms), including designating nationally significant HAB events, **Passed Senate Commerce May 18, with amendments** (Denis)  
**S 1129** – Sullivan (AK) Coast Guard Authorization, includes vessel general permit language from S.168, **Passed Senate Commerce May 18, with amendments** (Denis)  
**S 1137** – Boozman (AR)/Cardin (MD), amends SDWA funding eligibility provisions, authorizes WaterSense, and reauthorizes sewer overflow control grant program (Matt)  
**S 1401** – Duckworth (IL), requires LCR revisions to address school lead testing and notification; creates school lead testing and notification grant program (Matt)  
**S 1460** – Murkowski (AK), energy efficiency bill including WaterSense (Denis)  
**S 1514** – Barrasso (WY), Sportsmen’s bill including TSCA lead ammo and fishing tackle exclusion and Chesapeake Bay program reauthorization **Passed SEPW July 26, with amendments** (Sven/Denis)  
**S 1624** – Udall (NM), with HR 3380, bans chlorpyrifos, **Introduced July 25, Floor speech Aug 2** (Sven)  
**S 1695** – Udall (NM), establishes innovative stormwater infrastructure centers & grant program, requires EPA green infrastructure promotion (Matt)  
**S 1700** – Udall (NM), authorizes WaterSense, Introduced August 2 (Denis)

**To:** Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov]  
**Cc:** Hannon, Arnita[Hannon.Arnita@epa.gov]; Matthews, Demond[matthews.demond@epa.gov]; Eargle, Frances[Eargle.Frances@epa.gov]; Scott, Sonya[scott.sonya@epa.gov]; Nitsch, Chad[Nitsch.Chad@epa.gov]; Barbery, Andrea[Barbery.Andrea@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]; Goodin, John[Goodin.John@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Fri 8/25/2017 2:19:23 PM  
**Subject:** FW: WOTUS Public Outreach Press Release and Roll-Out  
[WOTUS\\_public\\_engagement\\_v5.docx](#)

Hi Andrea –

Based on the attachment to your note below, I want to be sure that what you're envisioning for WOTUS stakeholder sessions covers all of OCIR's intergovernmental groups, as it's critical that we direct them to the appropriate calls. Specifically, referring to the categories you cited:

**September 19** – NATaT, any/all interested small communities, and LGAC Small Community Advisory Subcommittee members

**September 26** -- NGA, WGA, ECOS, NCSL, USCM, NLC, NACo, CSG, CEA, ICMA, IOGCC, WSWC, ACWA, APWA, LGAC and other intergovernmental groups.

**October 17** – NASDA

**October 31** – IMCC

**November 14** – NACWA, ACWA, ASDWA, ASWM, any other state/local water groups

**November 21** – Any of the above who'd like to participate

Please let me know if this is how you plan for the stakeholder calls to line up. Also, please be aware that each association likely will invite significant portions of their memberships, so I hope you're set up for high turnout.

Thanks,

AH

564-3664

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- Regional Public Affairs Directors (Andrea Drinkard or OPA)

Andrea Drinkard

Acting Communications Director

EPA Office of Water

Desk: 202.564.1601

**Personal Phone/Ex. 6**



## **EPA and the Army Seek Input in the Review of the Waters of the U.S. Rule**

*Stakeholder sessions will be held weekly between September and November*

**WASHINGTON** – The U.S. Environmental Protection Agency (EPA) and U.S. Department of the Army (the agencies) will hold 11 sessions to give stakeholders an opportunity to provide recommendations on a revised definition of “waters of the United States.” The agencies will hold nine two-hour long teleconferences that will be tailored for specific sectors, plus one that will be open to the general public. The agencies will also hold one in-person session for small entities.

“EPA is committed to an open and transparent process for reviewing the definition of ‘waters of the United States,’” said EPA Administrator Scott Pruitt. “Receiving input from across the country will help us make informed decisions as we move through our two-step process that will return power to the states and to provide regulatory certainty to our nation’s farmers and businesses.”

These sessions follow the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule." The February Order states that it is in the national interest to ensure that the Nation's navigable waters are kept free from pollution, while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of Congress and the States under the Constitution.

To meet these objectives, the agencies are following an expeditious, two-step rulemaking process. The recommendations gathered through these stakeholder sessions, in addition to the feedback the agencies heard during the tribal and federalism consultations, will help inform the step two rulemaking, which would revise the definition of “waters of the United States” under the Clean Water Act.

The stakeholder sessions will be held on a weekly basis beginning September 19 and will continue each Tuesday thereafter for ten weeks. Each will run from 1:00 p.m. to 3:00 p.m. eastern time. Information on how to register for each of these meetings is available on the [EPA website](#). Registration for each webinar will close a week prior. Those wishing to provide verbal recommendations during the teleconference will be selected on a first-come, first-serve basis. Due to the expected volume of participants, individuals will be asked to limit their oral presentation to three minutes.

### **Stakeholder Sessions Schedule**

- September 19, 2017 – small entities (small businesses, small organizations and small governmental jurisdictions)
- September 26, 2017 – environment and public advocacy
- October 3, 2017 – conservation, *e.g.*, hunters and anglers
- October 10, 2017 – construction and transportation
- October 17, 2017 – agriculture
- October 24, 2017 – industry
- October 31, 2017 – mining
- November 7, 2017 – scientific organizations and academia
- November 14, 2017 – stormwater, wastewater management and drinking water agencies
- November 21, 2017 – general public

The agencies are also planning an in-person meeting with small entities, which will be held on **Monday, October 23, 2017, from 9:00 to 11:00 a.m. Eastern Time** at the U.S. EPA’s Headquarters.

The agencies will also be accepting written recommendations on the step two rulemaking effort through a non-regulatory docket (EPA-HQ-OW-2017-0480), which will be available when the notice is published in the Federal Register. The agencies ask that this information be submitted on or before November 28, 2017.

Additional information: [www.epa.gov/wotus-rule](http://www.epa.gov/wotus-rule)

**To:** Burneson, Eric[Burneson.Eric@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Evalenko, Sandy[Evalenko.Sandy@epa.gov]; Christ, Lisa[Christ.Lisa@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Tue 8/22/2017 1:52:53 PM  
**Subject:** RE: LCR & Federalism

Hi Eric --

In follow-up to your note of July 27, Layne Bangerter (OCIR's DAA for Intergovernmental and Senior Advisor to the Administrator) and I met with Lee Forsgren on August 14 to discuss the LCR. Below are the main points of that discussion.

## **Ex. 5 - Deliberative Process**

Thanks again.

**From:** Burneson, Eric  
**Sent:** Thursday, July 27, 2017 10:57 AM  
**To:** Bowles, Jack <Bowles.Jack@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Cc:** Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>  
**Subject:** RE: LCR & Federalism

The Regulatory Agenda says proposal by January 18, however there is significant work to be done before the proposal.

**From:** Bowles, Jack  
**Sent:** Thursday, July 27, 2017 10:21 AM  
**To:** Burneson, Eric <Burneson.Eric@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Cc:** Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>  
**Subject:** RE: LCR & Federalism

Hi Eric,

Sounds good. We look forward to working with y'all to develop a federalism outreach plan.

In your discussions, did y'all develop an idea of what your basic rule timeline looks like? That would help with our initial thinking.

Best Regards,

Jack

**From:** Burneson, Eric  
**Sent:** Thursday, July 27, 2017 9:01 AM  
**To:** Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>; Bowles, Jack <[Bowles.Jack@epa.gov](mailto:Bowles.Jack@epa.gov)>  
**Cc:** Christ, Lisa <[Christ.Lisa@epa.gov](mailto:Christ.Lisa@epa.gov)>; Kempic, Jeffrey <[Kempic.Jeffrey@epa.gov](mailto:Kempic.Jeffrey@epa.gov)>  
**Subject:** RE: LCR & Federalism

Andy and Jack:

We have been briefing our new leadership over the past several months on the LCR revisions options and while we are still working to obtain their guidance on rule options they have asked that we “refresh” our Federalism consultation. Lee Forsgren was going to check in with the A.O. but indicated that he wanted us to find an abbreviated form of refreshing this consultation. We will work with you to figure out how we can accommodate this approach.

Eric Burneson, P.E.

Director of Standards and Risk Management

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

202 564 5250

**From:** Hanson, Andrew  
**Sent:** Wednesday, March 29, 2017 3:38 PM  
**To:** Evalenko, Sandy <[Evalenko.Sandy@epa.gov](mailto:Evalenko.Sandy@epa.gov)>  
**Cc:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>; Farber, Glenn <[Farber.Glenn@epa.gov](mailto:Farber.Glenn@epa.gov)>; Burneson, Eric <[Burneson.Eric@epa.gov](mailto:Burneson.Eric@epa.gov)>  
**Subject:** RE: LCR & Federalism

Thank you Sandy. Per several conversations that my former DAA Mark Rupp had with senior OW managers as recently as January, as well as less formal conversations at the staff level, we (EPA) are going to need to provide a formal Federalism update well before the proposed rule is signed. The last E.O. 13132 briefing we had on the rule was in **2011**, and – considering all that’s gone on in the intervening years – the Big 10 will need another pre-proposal opportunity to weigh in.

I will keep the info you cited below in confidence, but we’ll need to come up with a plan for a Federalism update based on various scenarios, including the possibility that the proposed rule could actually meet the UMRA threshold for intergovernmental costs nationally, which would require an expanded, UMRA-type briefing.

**From:** Evalenko, Sandy  
**Sent:** Wednesday, March 29, 2017 3:24 PM  
**To:** Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>  
**Cc:** Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Subject:** Re: LCR

Andy -- the signature date for the NPRM is 12/2017 but please hold until the reg agenda publishes. Options selection is projected for mid June with the AO. We have not been able to schedule a meeting on lead and copper.

Also, Karen is now the OW Tribal coordinator.

Sandy

Sent from my iPhone

On Mar 29, 2017, at 3:15 PM, Hanson, Andrew <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)> wrote:

Hi Guys –

Can either of you provide a quick update on the LCR? (milestones, target NPRM date, etc)

Thank you!

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Matthews, Demond[matthews.demond@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Fri 8/18/2017 4:49:53 PM  
**Subject:** Try these

1 – E.O. 13132 and E.O. 13778

## **Ex. 5 - Deliberative Process**

2 – E.O 13777 –

## **Ex. 5 - Deliberative Process**



**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov]  
**From:** Kent, Alison  
**Sent:** Thur 8/31/2017 7:37:45 PM  
**Subject:** State and Regional Partnerships Weekly Report. Thanks!  
State and Regional Partnerships Weekly Report 8.31.docx

## State and Regional Partnerships Weekly Report

August 31, 2017

-

### State Partnerships

- On August 29, Troy Lyons, OCIR Associate Administrator, participated on the first of a series of regularly occurring opportunities to engage with the leadership of the National Association of State Departments of Agriculture (NASDA). The purpose of the Leadership Call is to cultivate and institute a strategic dialogue between NASDA and EPA leadership to better inform and enhance our respective priorities around Cooperative Federalism. Specific issues discussed included Waters of the US, the National Pollutant Discharge Elimination System permitting process, worker protection standards, and other agriculture-related issues (POC, Chad Nitsch, 564-1474).
- On August 30, Chad Nitsch, Intergovernmental Liaison for Agriculture, prepared and shared briefing materials for the concurrent Communication Officers of State Departments of Agriculture (COSDA) and NASDA's Annual Conferences with Tate Bennett, Associate Administrator for Public Engagement and Environmental Education. OPEEE AA Bennett will participate on an *Updates from Federal Partners* panel on September 11 (POC, Chad Nitsch, 564-4714).
- On August 29, the Environmental Council of States (ECOS) held its monthly TSCA Workgroup Call. Presenters shared information on GenX, gave an update on the negotiated rulemaking for chemical data reporting for inorganic byproducts, and discussed an initial draft guidance for addressing confidential business information (POC, Andrea Barbary, 564-1397).
- On August 29, EPA Deputy Administrator Flynn and Acting Chief Financial Officer Bloom hosted the ECOS Executive Committee to hear states' budget priorities for FY19. Assistant Deputy Administrator & Chief of Operations Darwin gave an update on planned changes to the strategic measures in the FY18-22 Strategic Plan. States emphasized the need for continued funding for core work, coordination on research priorities, and flexibility to use federal funds to address emerging needs and streamline processes (POC,

Andrea Barbery, 564-1397).

## **National Environmental Performance Partnership System**

### **FY 2018-19 NEPPS NPM Guidance**

- The public comment period for the NPM Guidance documents, including the NEPPS NPM Guidance, closed on August 4<sup>th</sup>. The NEPPS NPM Guidance received comments from ECOS and a tribal nation. The NEPPS team will work with senior management to address these comments and finalize the NPM Guidance. The final guidances are expected to be published and available on the EPA website by the end of September (POCs, Mike Dexter, 564-7437 & Dan Murphy, 564-3227).

### **FY 2018-2022 EPA Strategic Plan**

- The OIR Team submitted two long-term Strategic Measures for inclusion in to the draft FY 2018-22 Strategic Plan, as part of the Agency Objective and Administrator's priority of promoting Cooperative Federalism. The draft plan is presently under review by Senior Leadership and OMB as of Thursday (POC, Dan Murphy, 564-3227).

### **PPG Capacity and Utilization Analysis**

- The OIR team has verified data from the BIS (Budget Information by State) and the Budget Automation System (BAS). The team will begin assessing each state and regions' PPG capacity by late August, will prepare a draft summary report, and plans on briefing management in mid-September (POCs, Alison Kent, 564-7645 & Dan Murphy, 564-3227 & Mike Dexter, 564-7437).

## **Regional Partnerships**

- On August 21, EPA Administrator Scott Pruitt announced the appointment of Trey Glenn of Alabama to become the Regional Administrator for Region 4. Regional Partnerships coordinated and provided technical assistance for staff in Region 4, and will continue to provide support throughout the onboarding processes (POCs, Melissa Saddler, 564-5455 & Chad Nitsch, 564-4714).

### **RA/AA/DRA Calls**

- On August 29, the Regional and HQ 1<sup>st</sup> assistants convened for a weekly check-in. The agenda included updates from OECA, OARM and OCFO (POC, Melissa Saddler, 564-

5455).

- The DRAs convened for their monthly call on August 31. The agenda included updates from OAR regarding position classification guidance, VERA/ VSIP, and planning for the political teams' regional visits (POC, Alison Kent, 564-7645).

### **Lead Region Coordinators (LRCs)**

- Nothing new to report.

### **OCIR SharePoint Site**

- The OCIR team leaders' comments on the draft SharePoint site will be included in the next management update prior to the SharePoint site approval and launch for use by OCIR staff (POC, Melissa Saddler, 564-5455).

-

### **Upcoming Meetings**

<b>Acting DRAs</b>	<b>August 31</b>	<b>Monthly teleconference</b>
<b>Chesapeake Bay Commission</b>	September 7-8	Solomon, MD
<b>ECOS 2017 Fall Meeting</b>	September 11-12	Jackson Hole, WY
<b>NASDA Annual Meeting</b>	September 11-14	New Orleans, LA
<b>NEPPS Coordinators</b>	September 21	Monthly teleconference (3rd THUR)
<b>Lead Region Coordinators</b>	September 28	Monthly teleconference (4 <sup>th</sup> THUR)

Alison (Ali) Kent

Lead Region Program Manager

Special Emphasis Program Manager (SEPM)

State and Regional Partnerships | Office of Congressional and Intergovernmental Relations

Office of the Administrator | Environmental Protection Agency

WCJN 3450G | 202-564-7645 (Direct)

I am an EPA LGBTQ+ Ally. [Learn more and take the Pledge here.](#)

## **State and Regional Partnerships Weekly Report**

### **August 31, 2017**

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<b>Lead Region Coordinators</b>	September 28	Monthly teleconference (4 <sup>th</sup> THUR)

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Tue 8/22/2017 12:18:24 PM  
**Subject:** Fwd: \*\*\*MESSAGE FROM SECRETARY PERDUE\*\*\*Thank You Chief Tidwell and Welcome Tony Tooke

Sent from my iPhone

Begin forwarded message:

**From:** "Hanson, Tracey A -FS" <[traceyahanson@fs.fed.us](mailto:traceyahanson@fs.fed.us)>  
**Date:** August 21, 2017 at 9:36:06 PM EDT  
**To:** "Hanson, Andrew" <[Hanson.Andrew@epa.gov](mailto:Hanson.Andrew@epa.gov)>  
**Subject:** FW: \*\*\*MESSAGE FROM SECRETARY PERDUE\*\*\*Thank You Chief Tidwell and Welcome Tony Tooke

FYI

**From:** FS-Office of the Chief  
**Sent:** Monday, August 21, 2017 1:02 PM  
**To:** FS-All FS <[allfs@ms.fs.fed.us](mailto:allfs@ms.fs.fed.us)>  
**Cc:** Jiron, Dan - OSEC, Washington, DC <[Dan.Jiron@osec.usda.gov](mailto:Dan.Jiron@osec.usda.gov)>; Crandall, Doug - OSEC, Washington, DC <[Doug.Crandall@osec.usda.gov](mailto:Doug.Crandall@osec.usda.gov)>; Lockwood, Amanda - OSEC <[Amanda.Lockwood@osec.usda.gov](mailto:Amanda.Lockwood@osec.usda.gov)>; Hammett, Janae - OSEC, Washington, DC <[Janae.Hammett@osec.usda.gov](mailto:Janae.Hammett@osec.usda.gov)>; Blair, David D. - OC, Washington, DC <[David.D.Blair@oc.usda.gov](mailto:David.D.Blair@oc.usda.gov)>; Murtaugh, Tim - OC, Washington, DC <[Tim.Murtaugh@oc.usda.gov](mailto:Tim.Murtaugh@oc.usda.gov)>; Perdue, Sonny - OSEC, Washington, DC <[Sonny.Perdue@osec.usda.gov](mailto:Sonny.Perdue@osec.usda.gov)>  
**Subject:** \*\*\*MESSAGE FROM SECRETARY PERDUE\*\*\*Thank You Chief Tidwell and Welcome Tony Tooke

Dear Friends in the Forest Service Family,

The wise King Solomon wrote these words, "To everything there is a season, and a time to every purpose under the heaven." This is an ageless reminder that one of the real constants in life is change.

After a distinguished 40-year career, Chief Tidwell announced his retirement. Chief Tidwell worked his way through the ranks from firefighter to District Ranger, to Forest Supervisor on to Regional Forester and finally as Chief of the U.S. Forest Service.

His perspective from the rank and file in the field provided insight and wisdom that shaped the Forest Service through four decades of service. His many accomplishments include increasing collaboration with states, Tribes, private landowners, and other partners for landscape-scale conservation.

Perhaps what is most noble was his focus on helping to build an inclusive agency characterized by mutual respect and fairness, and working to eliminate all forms of harassment. Under his leadership, the Forest Service also embarked on a mission to improve safety measures to better protect the lives and wellbeing of employees, especially firefighters. Moreover, he played an instrumental role early on in drawing attention and public support to confront the increasing severity and costs of wildfires and their residual impacts on the agency's lands stewardship. Chief Tidwell received the Presidential Rank Award in 2016 for his personal contributions toward these inspiring achievements.

The Forest Service relied on Chief Tidwell's experience and counsel, drawing on his years of experience both in the field and in Washington. I am grateful for Chief Tidwell's dedicated service and leadership. Chief Tidwell can now enjoy more time skiing, biking and spending more time with his wife Kim and daughter MacKenzie. We all wish him well on his retirement.

Chief Tidwell leaves a legacy and has also paved the way for the next leader. I want to introduce you to our next Chief, Tony Tooke, one of our own. Tony was practically born into our Forest Service, starting at the age of 18. He currently is the Regional Forester for the Southern Region.

Tony's knowledge of forestry is unmatched. He will oversee efforts to get our forests working for the rightful owners – the American people. His focus will be on ensuring we are good neighbors with our partners in state and local governments.

The stewardship of our forests is an awesome and sacred responsibility. No one knows that better than Tony. He has been preparing for this role for his whole professional life, and at a time when we face active and growing fires, his transition into leadership will be seamless. As we move into a new season, I look forward to hearing how each member of the USFS family gives Tony your full support.

Working together we will make our forests more productive, and create more jobs. In short we will get our forests working again. Please join me in welcoming Tony to the USDA family.

Sincerely,

Sonny Perdue

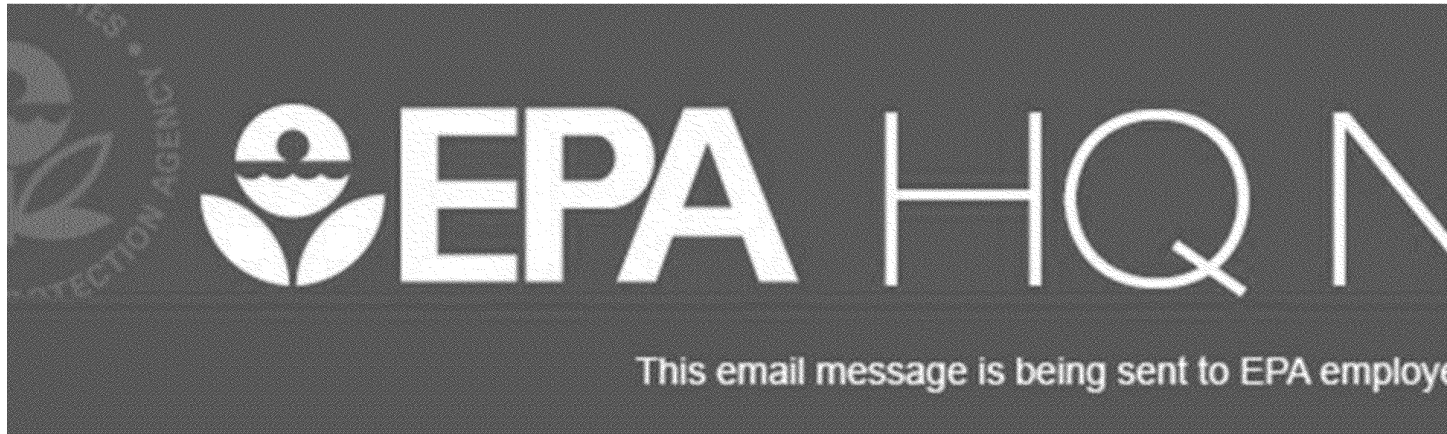
Secretary



@SecretarySonny

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

**To:** MassMailer[massmailer@epa.gov]  
**From:** MassMailer  
**Sent:** Thur 8/10/2017 8:31:14 PM  
**Subject:** Update -- Security incident in WJN North on Aug. 9, 2017



**Message from:** Donna J. Vizian, Acting Assistant Administrator, Office of Administration and Resources Management

Late in the afternoon on Wednesday, August 9, 2017, EPA HQ experienced a security situation in the WJC North Building: this message is being sent to provide you with information about what occurred.

The incident was initiated by an employee calling 911. The call, which was made from a cell phone, went to the Metropolitan Police Department (MPD) who, along with U.S. Secret Service, responded to the North Building prepared for an active shooter situation. I know the law enforcement response was alarming, as police came in believing that they were responding to an actual active shooter. However, law enforcement's efficient actions enabled them to quickly determine that the noise was not in fact gunshots, rather the employee likely heard the sound of a large door slamming shut.

We know many are questioning why a notification to employees did not happen immediately. In the event yesterday, the law enforcement response was faster than communication to employees because the 911 call, from a cell phone, went directly to MPD. 911 or 7777 calls from desk phones go directly to the Federal Protective Service (FPS), also alerting the local guards, EPA management and the Office of Inspector General (OIG) almost simultaneously. We are working with the OIG, FPS and local law enforcement officials on how to address this situation in the future because we know it is important for staff to use the most effective means of communication available at the time. We are also working with the group to develop an after action/lessons learned report to improve our response protocol. We will share more information as it becomes available.

Fortunately, yesterday's incident did not involve an actual active shooter; however, it serves as a reminder that we must all be aware of what to do in the event of an emergency, such as an active shooter. Active Shooter Preparedness training is presented in HQ for all employees. More information can be found at the following intranet site: <http://intranet.epa.gov/oa/smd/hqsecurity/index.htm>.

The safety and security of our employees is our top priority. We appreciate the cooperation of employees last night and are grateful to the local responders who so quickly resolved the issue.

**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov];  
RCL's[CNRCLsOIntergov.\_Contacts@epa.gov]  
**Cc:** Linkins, Samantha[Linkins.Samantha@epa.gov]  
**From:** Williams, Thea  
**Sent:** Thur 8/31/2017 7:31:54 PM  
**Subject:** Cross Cutting Team Report  
Weekly Report 8.28.17.1.docx

Attached is the Cross Cutting Team Report. Please let me know if you have any questions.

Thanks, Thea

-----  
Thea Williams  
Office of Congressional Relations  
US Environmental Protection Agency  
williams.thea@epa.gov

**Consolidated Report  
Office of Congressional and Intergovernmental Relations  
Crosscutting Team**

**For the Week of August 29 – September 1, 2017**

**LRMS:**

**August 28:** SS-115-62, Draft Legislation Package on federal Employment Retirement Proposal

**August 31:** SS-115-64, HR2623 Lessening Regulatory Costs and Establishing a Federal Regulatory Budget Act

**Scheduling/Meetings/Congressional Briefings:**

**August 30:** Narragansett, RI Lab visit on ongoing research and ORD contributions to RI's needs. (Sen. Reed)

**August 31:** Newport, OR Lab visit on costal and ocean research priorities. (Sen. Merkley)

**September 6:** Duluth, MI Lab visit on science focus areas. (Sen. Klobuchar)

**TBD:** Honest Act/OMB conference call

**Correspondence - Items Requiring Signature/Approval/Concurrence**

<b>CMS #</b>	<b>Member</b>	<b>Subject</b>	<b>Office</b>
AL-17-001-1448	Johnson	Current Scientific Consensus on Human Caused Climate Change	OCIR
AL-17-001-2319	Schatz	EPA's new practices for reviewing grant applications	OARM
	Babin	SAB/IRIS	SAB

**Congressional Inquiries:**

**OMB Status Request:** Comments on NETI SORN - OEI

**Senator Markey:** Follow up on personnel issue - Gaul

**Congressman Hautamaki:** Personnel issue

**Congressman Rutherford:** STAR for St Johns River Basin, Jacksonville, FL

**Hearings:**

**September 6:** Environment Subcommittee and Oversight Subcommittee joint hearing on Examining the Scientific and Operational Integrity of EPA's IRIS Program

**Information:**

**2018 LEGIS Fellows:** Incoming class applications from program offices

**To:** Matthews, Demond[matthews.demond@epa.gov]; Bowles, Jack[Bowles.Jack@epa.gov]; Hanson, Andrew[Hanson.Andrew@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]  
**Cc:** Bangerter, Layne[bangerter.layne@epa.gov]; Hannon, Arnita[Hannon.Arnita@epa.gov]; Eargle, Frances[Eargle.Frances@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Wed 8/30/2017 10:50:19 PM  
**Subject:** Updates on Upcoming Sept. 7 NLC Leadership Meeting

4:45 – 5:45/3530 – 9/7

**Reminder: PLEASE “ACCEPT” if you have not. On Friday I am resending the invite to attach the DRAFT Meeting Agenda. Thanks!**

Hey Team –

Carolyn is sort of tweaking next week’s meeting and responded with some updates today so just sharing as FYI and I am keeping relevant Program Offices updated accordingly:

-Now **NOT attending**: NLC President – Councilman Zone (Cleveland); 2<sup>nd</sup> Vice President, Mayor Freeman Wilson; Clarence Anthony CEO and ED.

-Mostly EENR members will comprise the group. And EENR leadership – Vice Chairs – will lead the delegation.

-**Group** will be **smaller** as some have to split for DOT meeting at same time.

-**Superfund is OUT** as a topic so I’ve let Kel and Jim Woolford and Dana Stalcup off the hook. Jackie Harwood will still come over to observe plus, for now, Brownfields is still on the table and Dave Lloyd and crew will be here IF that holds.

-**Integrated Planning has been added** so I’ve alerted Nagle and Pollins and that team. Plus Forsgren is coming anyway with CW and DWSRF stuff still on the table, and a bit of WIFIA (appropriate OW staff will flank him).

## Deliberative Process Privilege/Ex. 5

All for now and will keep everyone updated as this comes together. Carolyn is reviewing my Proposed Agenda and will give me edits on Friday as well as a firm list of who will be coming over. *Roughly, we have Welcome and Round Robin Introductions from Layne – with Troy joining the Greetings if he’s there. After that we’ll hear from the NLC Leadership with an*

*overview of NLC's Priorities Issues Relevant to EPA. Then we'll open for Dialogue and Discussion with Layne facilitating as we help that along. Will close at 5:45. Will share Revised Agenda once I get Carolyn's feedback.*

On Thursday, September 7, 2017 EPA Senior Leadership from OCIR and other Program Offices, will meet with a delegation of National League of Cities leadership. NLC President Matt Zone, Councilmember (Cleveland, OH), and Mayor Karen Freeman Wilson (Gary, IN), 2nd Vice President, and a member of EPA's Local Government Advisory Committee (LGAC), were scheduled to participate in the meeting, but are unable to. Clarence Anthony, NLC CEO and Executive Director, will also be unable to participate. Mayor Pro Tem Hattie Portis Jones (Fairburn, GA), and Deputy Mayor Cynthia Pratt (Lacey, WA), Vice Chairs, Energy, Environment and Natural Resources Committee, will lead the delegation. These key local leaders, representing a cross-section of communities from across the nation, have characterized NLC's "Annual Fly In," as an opportunity to interact with Members of Congress and the Administration to ensure that federal policy issues and initiatives important to cities and towns remain a priority in the nation's capital. Mr. Anthony, sent a formal invitation requesting that the delegation meet with Administrator Pruitt. As the Administrator is not available, the NLC leaders appreciate the opportunity to engage with EPA leadership in his stead.

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M. Arnita Hannon Christmon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Phone/Ex. 6**

**Personal Matters/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)



**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Munoz, Charles  
**Sent:** Fri 8/18/2017 3:33:29 PM  
**Subject:** Re: Call

When can I swing by your office?

Charles Munoz  
White House Liaison

> On Aug 17, 2017, at 6:35 PM, Bangerter, Layne <bangerter.layne@epa.gov> wrote:  
>  
> Sorry missed your call. Tomorrow is my day off but I will be in. Call anytime, I spoke with Carly at  
USDA.  
>  
> Sent from my iPhone

**From:** Cheatham-Strickland, Latonia  
**Location:** DCRoomARN3428/OCIR  
**Importance:** High  
**Subject:** Canceled: Daily Check-In  
**Start Date/Time:** Mon 8/21/2017 2:15:00 PM  
**End Date/Time:** Mon 8/21/2017 3:00:00 PM

**Personal Matters/Ex. 6**

**To:** Hanson, Andrew[Hanson.Andrew@epa.gov]  
**Cc:** Matthews, Demond[matthews.demond@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Wed 8/30/2017 10:13:52 PM  
**Subject:** RE: Need Your Recommendation on Who to Invite from OP to the NLC Leadership Meeting on Sept 7th

Ta Daaaa! Just back from my corridor walk and here are the names:

DAA: Brittany Bolen

PDAA: Shannon Kenny

Once Layne sort of hits up Samantha, I can then send the invite based on her recommendation I suppose. But for Robin and Sarah, solid on inviting them as well.

Super thanks😊!

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hannon.arnita@epa.gov

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**To:** Hannon, Arnita <Hannon.Arnita@epa.gov>

**Cc:** Matthews, Demond <matthews.demond@epa.gov>; Bangerter, Layne <bangerter.layne@epa.gov>

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Intergovernmental Liaison

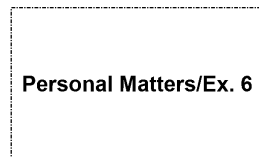
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**Cc:** Matthews, Demond <[matthews.demond@epa.gov](mailto:matthews.demond@epa.gov)>; Bangerter, Layne  
<[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>

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“The Other AH”

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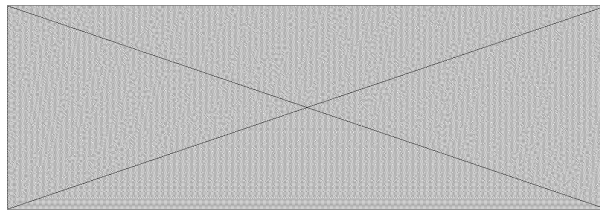
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**Cc:** Matthews, Demond[matthews.demond@epa.gov]; Hannon, Arnita[Hannon.Arnita@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Fri 8/18/2017 3:31:43 PM  
**Subject:** FW: Verse & Voice 8.17.17

2<sup>nd</sup> quote below, under Voice of the Day, relating to our discussion yesterday.

**From:** Sojourners [mailto:sojourners@sojo.net]  
**Sent:** Friday, August 18, 2017 10:33 AM  
**To:** Hanson, Andrew <Hanson.Andrew@epa.gov>  
**Subject:** Verse & Voice 8.17.17



## verse of the day

In their greed these teachers will exploit you with fake news. Their condemnation has long been hanging over them, and their destruction has long been sleeping.

**- 2 Peter 2:3**

## voice of the day

Our nation is cruelly indifferent to those who are not “perfect” victims. Even when black men and women are not victims of state-sanctioned executions, they

are killed again and again through character assassination. We shame and diminish victims, combing their school records, medical reports, and personal backgrounds to damage their characters, hoping that if we diminish them enough, their lives will not matter.

**- Rev. Dr. Yolanda Pierce**

## **prayer of the day**

God, you created each of us in your image. Give us the courage and humility to live like we believe it.

### **Our Latest**

#### **False Prophets in the White House (by Mark Silk)**

What would Donald Trump have to do to get the likes of Moore and Falwell to react the way the business advisers reacted?

#### **Lives in Limbo: Faith Leaders and Activists Rally for Young Immigrants (by Jessica Cobian)**

"We will fight until justice comes to each and every one of our brothers and sisters ... Our dream will not be deferred."

#### **Trump Defends Confederate Monuments, Says They Can't Be 'Comparably Replaced' (by Steve Holland, Reuters, Susan Heavey, Reuters)**

On Thursday, Trump showed no sign of backing down.

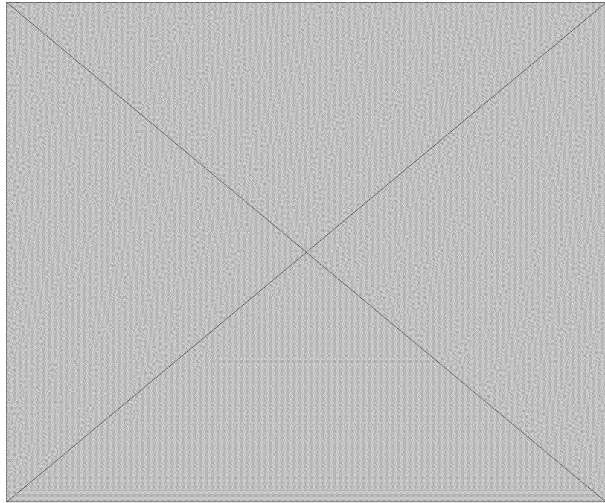
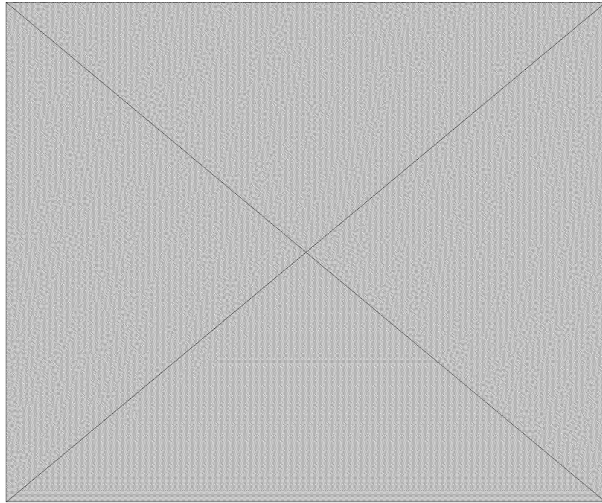
#### **Can the Church Prove the Naysayers Wrong? (by Carlos Malavé)**

God is calling and waiting for the American church to repent of their complicity in the sin of racism.

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[nonprofit software](#)

**From:** Bowles, Jack  
**Sent:** Thur 8/10/2017 8:21:39 PM  
**Subject:** State & Local Weekly Report August 11,, 2017



**In this Issue:**

***Current and Upcoming Meetings and Events***

***Local Government Advisory Committee***

***Recap of Recent Events***

### **EPA to Meet with Fontana, CA Local Officials**

Mayor Aquanetta Warren and her team will be in Washington August 27 - 30, 2017. The mayor joined EPA's Engagement Session during the recent US Conference of Mayors' Annual Meeting in Miami Beach, FL, and she expressed great appreciation for the dialogue with DAA Bennett and other mayors. OIR is working with Mayor Warren's staff to arrange the meeting, determine topics for discussion, and finalize EPA staff participation. Mayor Warren and other Fontana local officials last met with EPA in 2012 to discuss perchlorate contamination and water quality concerns. She continues her interest in protecting her city's water supply, and also in ensuring that water infrastructure needs are addressed. She expressed those interests in an EPA Engagement session during USCM's June 2016 Annual Meeting as well. More details on the meeting will be reported as they unfold. (Contacts: M. Arnita Hannon Christmon and Preston Cory)

### **MRCTI To Convene Annual Meeting in September**

The Mississippi Rivers Cities and Towns Initiative will host its 6<sup>th</sup> Annual Meeting September 12-14, 2017, in St. Louis, MO. The Annual Meeting is co-hosted with the National Caucus of Environmental State Legislators. Twenty-four state legislators are expected from the ten state Mississippi River corridor. The mayors have requested that EPA provide remarks during

the September 13<sup>th</sup> Opening Breakfast Session: “State 319 Water Pollution Control Plans and our Water Security.” The Region VII Water Director or Deputy Director will represent EPA. OIR will continue to work with Region VII and the MRCTI Executive Director on the scope of the panel, and EPA’s presentation.

According to the MRCTI Executive Director, the focus of the Breakfast session panel will involve a discussion about expanding the capacity of the Section 319 Water Pollution Control Grant Program to address Nutrient Loading. The Association is inviting the 319 Grant Plan writers for three Mississippi River states including MO, AR, and IA. The Mayors would like to discuss having the NRCS (USDA Natural Resource Conservation Service) as part of the 319 Grant state plan evaluation process. MRCTI member mayors see the 319 grant as a viable source of funding for work on reducing nutrient loading if the capacity is there. In their view, much like the Sustainable Communities Grant that involved application evaluations from multiple agencies, the 319 grant could bring-in NRCS. During the session, the mayors hope to hear from the States on how the Section 319 program can be approached more effectively to assist them in directing funds toward nutrient reduction efforts. The member mayors are trying to accomplish two objectives: 1) increase Section 319 Grant capacity to address nutrient loading on a broader scale; and, 2) align with the States, EPA, and NRCS to more effectively apply 319 Grants to nutrient reduction efforts. (Contact: M. Arnita Hannon Christmon)

#### **EPA to Meet with Tualitin Hills Park and Recreation District (Beaverton, OR) Local Officials**

Representatives of the Tualitin Hills Park and Recreation District will travel to Washington in September. They have requested to meet with EPA to discuss their continuing interest in health and environmental concerns with Synthetic Turf Infill. Doug Menke, General Manager, will lead the delegation as he did when the representatives last met with EPA in February 2016 to discuss this matter. The local officials have also met in previous years with EPA to discuss Environmental Education and Environmental Justice concerns.

In last year’s meeting, the local representatives noted that the district has a five year agreement with Field Turf as their sole source provider for the infill. Their agreement includes the use of standard cryogenic rubber infill. The district was looking to change their practice and appreciated the opportunity to discuss this plan with EPA and to learn that EPA was conducting a study on Synthetic Turf Infill. At that time, public roll-out of the crumb research plan was pending scheduling. As such, ORD staff could not discuss the scope of the planned research. District officials understood that position, but noted that the discussion was still helpful.

In recent updates from EPA ORD, Mr. Menke has been informed about the status of the EPA Study. Mr. Menke inquired about the status since the District will be making infill decisions in early fall for two additional fields. ORD staff has informed that EPA continues to work toward completion of the study, and that, as updates are available to share, they will appear on the public

EPA website. ORD still plans to complete the study by the end of the calendar year. Mr. Menke congratulated ORD on the progress, and reiterated the group's appreciation for last year's meeting with EPA. They look forward to more dialogue and updates when they meet with EPA in September. (Contact: M. Arnita Hannon Christmon)

### **EPA to Meet with Windsor, CA Local Officials**

Mayor Debora Fudge is traveling to Washington toward the end of September. She will meet with EPA on September 29 to discuss projects the city is considering supporting, including Brownfields and Water and Wastewater Infrastructure. OIR will continue to work with the city's Washington representative to secure additional information on the city's projects of interest for the meeting with headquarters Program and Region IX staff. (Contact: M. Arnita Hannon Christmon)

The Office of Congressional and Intergovernmental Relations (OCIR) continues its solicitation for nominations for 10-20 new appointments and reappointments for its Local Government Advisory Committee (LGAC) and the Small Community Advisory Subcommittee (SCAS). To date 39 nominations have been submitted for consideration of candidacy for the LGAC.

As background, a memorandum signed by Associate Administrator Troy Lyons was sent out internally to DRAs and DAAs requesting nominations by **Thursday, August 10<sup>th</sup>**. EPA Regions continue to play a substantive role in recruiting and vetting new candidates for the LGAC.

A similar notification was sent out to national intergovernmental organizations such as U.S. Conference of Mayors, National Association of Counties, National League of Cities and others. The solicitation for nominations was published in the Federal Register on Friday, July 21<sup>st</sup> <https://federalregister.gov/d/2017-15383>. This notice outlines the qualifications for candidates as well as criteria for selection. This would include currently elected and/or appointed officials of state, local and tribal government such as mayors, county commissioners, state elected officials, tribal elected and appointed officials, and appointed officials such as city managers, health directors and others holding important governmental offices. OCIR has conducted a wide search for nominees among intergovernmental organizations, trade associations, and non-governmental organizations. (Contact: Fran Eargle/Demond Matthews)

## **EPA Meets with Jeffersonville, IN Local Officials**

-

On Wednesday, August 2, Len Ashack, Director of the Jeffersonville, IN, Wastewater Department, and Dale Orem, Vice President, Sanitary Sewer Board, met with OIR, OGC, OW, OECA, DOJ, and Region V staff to discuss the city's concerns about water infrastructure challenges, including the community's ability to finance Long Term Control Plan (LTCP) and Consent Decree requirements. The local officials discussed a number of infrastructure improvements and investments the city has made. They also shared their views that Jeffersonville residents face significant burdens as the city attempts to comply with Clean Water Act LTCP and Consent Decree requirements that have translated into increased sewer rates.

Mr. Ashack wrote to Region V and the Indiana Department of Environmental Management (IDEM) on May 24, 2017, to share the City's Financial Capability Assessment update, and to request a modification of the LTCP. The letter points out, among other concerns, that Jeffersonville's sewer rates are currently among the highest in the State. Residential customers comprise nearly 93% of all users, and many of these residents have incomes below the City's average Medium Household Income (MHI). According to city officials, The LTCP's affordability has diminished severely since it was approved in 2011 due to restraints on the City's bonding capacity and property tax levies, new regulatory requirements, and increased O&M costs, along with completion of a repair and replacement analysis. The local officials were encouraged that a number of "possible next steps" resulted from the August 2<sup>nd</sup> meeting, including an agreement for Region V and Mr. Ashack to work together on a meeting in Indianapolis that would involve the State, Region V, and the City of Jeffersonville to further the discussions. Following this meeting, plans will get underway for Region V to travel to Jeffersonville for more technical discussions and to continue the dialogue on the city's concerns. DOJ staff committed to continuing to work with the city as needed. OIR will coordinate the continued involvement of EPA Headquarters offices as needed. Mr. Aschack and Mr. Orem expressed great appreciation for the meeting, and noted their belief that the dialogue was productive. They look forward to the upcoming meetings. (Contact: M. Arnita Hannon Christmon)

Best Regards,

# **Jack Bowles**

Director of State & Local Relations

U.S. Environmental Protection Agency

202-564-3657 (office) | 202-306-5196 (mobile)



**To:** Bowles, Jack[Bowles.Jack@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**Cc:** Matthews, Demond[matthews.demond@epa.gov]; Scott, Sonya[scott.sonya@epa.gov];  
Hanson, Andrew[Hanson.Andrew@epa.gov]; Cory, Preston (Katherine)[Cory.Preston@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Wed 8/16/2017 8:35:46 PM  
**Subject:** Remainder of Today:: Telework

Hi Team-

I will be in Telework status between 4:45 and 6 pm today. Reachable as needed. See you tomorrow!

A

M. Arnita Hannon Christmon

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**From:** Hannon, Arnita  
**Sent:** Wed 8/30/2017 10:05:08 PM  
**Subject:** RE: Need Your Recommendation on Who to Invite from OP to the NLC Leadership Meeting on Sept 7th

Thank you thank youuuu! Ahhh- let me go around there and look around right now. Quiet time here so doing some work on other stuff but will get right back to you once I finish nosing around. Sooo appreciate!

“The Other AH”

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Thanks so much!

“The Other AH”

M. Arnita Hannon Christmon

Intergovernmental Liaison

Office of Congressional and Intergovernmental Relations

US EPA

1200 Pennsylvania Avenue, NW

Washington, D.C. 20460

202.564.3704 (O)

**Personal Matters/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**From:** Penman, Crystal  
**Location:** 3233 WJCE  
**Importance:** High  
**Subject:** Canceled: WOTUS Personal Matters/Ex. 6  
**Start Date/Time:** Wed 8/23/2017 2:00:00 PM  
**End Date/Time:** Wed 8/23/2017 2:45:00 PM

**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov];  
RCL's[CNRCLsOIntergov.\_Contacts@epa.gov]; Campbell, Ann[Campbell.Ann@epa.gov]; Crawford,  
Tiffany[Crawford.Tiffany@epa.gov]; Dennis, Allison[Dennis.Allison@epa.gov]; Dinkins,  
Darlene[Dinkins.Darlene@epa.gov]; Drinkard, Andrea[Drinkard.Andrea@epa.gov]; Farris, Erika  
D.[Farris.Erika@epa.gov]; Jakob, Avivah[Jakob.Avivah@epa.gov]; Klos,  
Caroline[Klos.caroline@epa.gov]; Milbourn, Cathy[Milbourn.Cathy@epa.gov]; Orvin,  
Chris[Orvin.Chris@epa.gov]; Parsons, Doug[Parsons.Douglas@epa.gov]; Peck,  
Gregory[Peck.Gregory@epa.gov]; Pierce, Alison[Pierce.Alison@epa.gov]; Scheifele,  
Hans[Scheifele.Hans@epa.gov]; Schmit, Ryan[schmit.ryan@epa.gov]; Sisco,  
Debby[Sisco.Debby@epa.gov]; Strauss, Linda[Strauss.Linda@epa.gov]; Tiago,  
Joseph[Tiago.Joseph@epa.gov]; Walsh, Ed[Walsh.Ed@epa.gov]; Skane,  
Elizabeth[Skane.Elizabeth@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Farrell,  
Ericka[Farrell.Ericka@epa.gov]; Hanley, Mary[Hanley.Mary@epa.gov]  
**From:** Kaiser, Sven-Erik  
**Sent:** Fri 9/22/2017 1:37:23 PM  
**Subject:** OCIR Water, Pesticides and Toxics Team Weekly Report  
[9.25.2017.docx](#)

Please take a look at our weekly report and let us know if any questions. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753



**Office of Congressional and Intergovernmental Relations  
Water, Pesticides and Toxics Team  
Week of September 25, 2017**

**Congress in session**

**HOT ISSUES:**

- OW and OCSPP AA Nominations
- Vessel Discharges – Coast Guard authorization and VIDA bill views (Elizabeth)
- Dicamba (Sven)
- WIFIA (Matt)
- Waters of the U.S. (Denis)
- Lead in drinking water (Matt)
- WIIN Act (Matt)PFCs/PFOA/PFOS/GenX (Matt)
- PRIA Reauthorization (Sven)

**MEETINGS/BRIEFINGS/ANNOUNCEMENTS:**

**Sept 18** – Hill “Expo” as part of National Estuaries Week, with EPA display table (Denis)  
**Sept 19** – Sen. Daines (MT) staff briefing on Canadian mining and selenium w/R8 (Denis)  
**Sept 20** – OMB briefing call on vessel discharges w/OW, OMB, Coast Guard (Elizabeth)  
**Sept 21** – HEC staff briefing on CDR byproducts reporting reg neg w/OCSPP, OGC (Sven)  
**Sept 21** – SEPW min staff briefing on chlorpyrifos w/OCSPP (Sven)  
**Sept 22** – Fairfax County drinking water facility tour w/OW (Matt, Elizabeth)  
**Sept 25 (tent.)** – Sen. Blunt (MO) staff briefing on Dicamba w/OCSPP (Sven)  
**Week of Oct 9** – SEPW and HEC staff briefing on TSCA New Chemicals program w/OCSPP (Sven)  
**TBD** – OMB briefing on DW Needs Survey Report w/OW (Matt)  
**TBD** – Notification on updated formaldehyde rule voluntary consensus standards (Sven)  
**TBD** – Transmittal of 2017 Gulf Hypoxia Task Force Report to Congress w/OW (Denis)  
**TBD** – Transmittal of 2017 National Water Quality Indicators Report to Congress w/OW (Denis)  
**TBD** – Transmittal of 2015 DWSRF Needs Survey Report to Congress w/OW (Matt)

**HEARINGS/MARKUPS:**

**Topic:** Water Infrastructure  
**Committee:** House Transportation and Infrastructure Subcommittee on Water Resources  
**Date:** Tuesday, September 26 at 10am  
**EPA Witness:** **No EPA Witness**  
**Contact:** Matt Klasen

**Topic:** Nominations  
**Committee:** Senate Environment and Public Works  
**Date:** Wednesday, October 4 (rescheduled from Sept 20)  
**EPA Witness:** Michael Dourson, OCSPP; Matt Leopold, OGC; David Ross, OW; Bill Wehrum, OAR  
**Contact:** Sven-Erik Kaiser (OCSPP), Matt Klasen (OW)

## **115<sup>th</sup> CONGRESS LEGISLATION:**

- HR 465** – Gibbs (OH), codifies integrated wastewater and stormwater planning (Matt)
- HR 953** – Gibbs (OH), with S340, negates NPDES pesticide general permit, **Passed House May 24** (Matt)
- HR 1029** – Davis (IL), PRIA 4, reauthorizes pesticide registration fees, **Passed House March 20, Passed Senate Ag June 29, authorization extended to Dec 8 under CR** (Sven)
- HR 1068** – Pallone (NJ)/Tonko (NY), comprehensive update to SDWA, also incorporates the text of other bills, including HR 1071 (Tonko/Pallone) and HR 2479 (Pallone) (Matt)
- HR 1154** – Hunter (CA), with S 160, addresses ballast water discharges (Denis)
- HR 1261** – Thornberry (TX), revises navigable waters definition and limits CWA jurisdiction (Denis)
- HR 1647** – Blumenauer (OR), establishes water trust fund to support SRFs (Matt)
- HR 1674** – DeLauro (CT), LI Sound restoration reauthorization (Denis)
- HR 1971** – Smucker (PA), with S 692, on integrated planning (Matt)
- HR 1974** – Kildee (MI), NO LEAD Act, lead & copper rule; lead sampling and reporting (Matt)
- HR 2355** – Latta (OH), with S 692, on integrated planning (Matt)
- HR 2510** – DeFazio (OR), small/disadvantaged community clean water assistance (Matt)
- HR 2923** – Graves (LA), authorizes Gulf of Mexico partnership (NOAA) and provides gift and borrowing authority to RESTORE Council (Matt)
- HR 3106** – Boyle (PA), requires EPA to set MCL for PFOA and PFOS within two years (Matt)
- HR 3206** – Dingell (MI), affects delivery and compilation of SDWA Consumer Confidence Reports (Matt)
- HR 3248** – Cartwright (PA), with S 1700, authorizes WaterSense (Denis)
- HR 3380** – Velazquez (NY), with S 1624, bans chlorpyrifos (Sven)
- HR 3387** – Harper (MS), Drinking Water System Improvement Act of 2017, **Passed HEC July 27 (Matt)**
- 
- S 168** – Wicker (MS), addresses ballast water discharges, **Passed Senate Commerce Jan 24** (Elizabeth)
- S 181** – Brown (OH), broadens Buy America use in infrastructure projects (Matt)
- S 340** – Crapo (ID), with HR 953, negates NPDES pesticide general permit (Matt)
- S 518** – Wicker (MS), technical assistance for small POTWs, **Passed SEPW April 5** (Matt)
- S 519** – Gillibrand/Schumer (NY), requires SDWA MCLG and MCL for PFOA, PFOS, 1,4-dioxane, and perchlorate within two years (Matt)
- S 675** – Gillibrand (NY), Long Island Sound funding, **Passed SEPW April 5** (Denis)
- S 692** – Fischer (NE)/Cardin (MD), integrated planning, **Passed SEPW April 5** (Matt)
- S 880** – Baldwin (WI), makes DWSRF AIS provisions permanent (Matt)
- S 914** – Shaheen (NH)/Portman (OH), emerging contaminant testing and analysis (Matt)
- S 1057** – Nelson (FL), addresses harmful algal blooms, **Passed Senate Commerce May 18** (Denis)
- S 1129** – Sullivan (AK) Coast Guard Authorization, no longer includes vessel general permit language from S 168, **Passed Senate Commerce May 18** (Elizabeth)
- S 1137** – Boozman (AR)/Cardin (MD), amends SDWA funding eligibility provisions, authorizes WaterSense, and reauthorizes sewer overflow control grant program (Matt)
- S 1401** – Duckworth (IL), school lead testing (Matt)
- S 1460** – Murkowski (AK), energy efficiency bill including WaterSense (Denis)
- S 1514** – Barrasso (WY), Sportsmen’s bill including TSCA lead ammo and fishing tackle exclusion and Chesapeake Bay program reauthorization **Passed SEPW July 26** (Sven/Denis)
- S 1624** – Udall (NM), with HR 3380, bans chlorpyrifos (Sven)
- S 1695** – Udall (NM), supports green infrastructure (Matt)
- S 1700** – Udall (NM), with HR 3248, authorizes WaterSense program (Denis)

**To:** Hannon, Arnita[Hannon.Arnita@epa.gov]  
**Cc:** Matthews, Demond[matthews.demond@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hanson, Andrew  
**Sent:** Wed 8/30/2017 10:03:19 PM  
**Subject:** Re: Need Your Recommendation on Who to Invite from OP to the NLC Leadership Meeting on Sept 7th

Hi Layne

Hopefully Samantha can make it. I've never seen/met her political deputy, and can't remember her name, but she would suffice if Samantha has a conflict. Sarah Rees and Robin Kime could represent the career folks.

ARNI, Samantha's political deputy would have a name plate in the 3500 corridor if you have a moment to go look.

Sent from my iPhone

On Aug 30, 2017, at 5:47 PM, Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)> wrote:

Oh wow thank you so much Drew! Ideally, I would want to invite all 3 and then of course leave to their outstanding judgement the choosing of who will represent.

Layne, might you pick up the relevant pieces (I **bolded**) from this entry from our Weekly, and maybe drop a note to Samantha and cc Sarah and Robin ahead of my adding them to the invite? Would appreciate deeply!

*--the importance of local governments being at the table during the rulemaking and regulatory process, importance of federalism consultation, and regulatory reform. --*

Probably not a lot of feedback needed here from us on this, but to have a listening ear that could maybe just say we appreciate their focus on these areas and also appreciate that NLC recognizes our commitment to local governments being heard, federalism, and reg reform.

Thursday, Sept. 7/4:45 – 5:45 pm/Room 3530 WJC North

**EPA to Meet with NLC Leadership**

On Thursday, September 7, 2017 EPA Senior Leadership from OCIR and other Program Offices, will meet with a delegation of National League of Cities leadership. NLC President Matt Zone, Councilmember (Cleveland, OH), and Mayor Karen Freeman Wilson (Gary, IN), 2nd Vice President, and a member of EPA's Local Government Advisory Committee (LGAC), were scheduled to participate in the meeting, but are unable to. Clarence Anthony, NLC CEO and Executive Director, will also be unable to participate.

Mayor Pro Tem Hattie Portis Jones (Fairburn, GA), and Deputy Mayor Cynthia Pratt (Lacey, WA), Vice Chairs, Energy, Environment and Natural Resources Committee, will lead the delegation. These key local leaders, representing a cross-section of communities from across the nation, have characterized NLC's "Annual Fly In," as an opportunity to interact with Members of Congress and the Administration to ensure that federal policy issues and initiatives important to cities and towns remain a priority in the nation's capital. Mr. Anthony, sent a formal invitation requesting that the delegation meet with Administrator Pruitt. As the Administrator is not available, the NLC leaders appreciate the opportunity to engage with EPA leadership in his stead.

The leaders are seeking insight on how cities and towns and the Administration can partner to find solutions to the challenges facing their communities, including improving the nation's infrastructure, reducing regulatory burdens, and ensuring that the federal budget priorities meet the needs of their citizens and communities. They are looking forward to dialogue on priority areas of concern, including the Clean and Drinking Water SRFs; Integrated Planning; WIFIA; and Brownfields Programs, and how these priorities are reflected in the 2018 Budget Proposal. ***They also will highlight the importance of local governments being at the table during the rulemaking and regulatory process, the importance of federalism consultation, and regulatory reform.***

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Washington, D.C. 20460

202.564.3704 (O)

Personal Matters/Ex. 6

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**From:** Hanson, Andrew

**Sent:** Wednesday, August 30, 2017 5:11 PM

**To:** Hannon, Arnita <[Hannon.Arnita@epa.gov](mailto:Hannon.Arnita@epa.gov)>

**Cc:** Matthews, Demond <[matthews.demond@epa.gov](mailto:matthews.demond@epa.gov)>; Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>

**Subject:** Re: Need Your Recommendation on Who to Invite from OP to the NLC Leadership Meeting on Sept 7th

Well, Samantha Dravis is the agency's actual Designated Federalism Official, so she'd be a natural. (And she would show up if Layne asked her). Otherwise, among career folks, Dr. Sarah Rees (Reg Mgt & Analysis Director) and Robin Kime (Chief of Staff) would both be good, especially if it's made clear to them why they should be there.

If you invite Samantha, ask Layne to send her a quick note asking her to post. If she can't do it, her political deputy would be ok too.

Sent from my iPhone

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“The Other AH”

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**Personal Matters/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**To:** epaelearningrequest[epaelearningrequest@epa.gov]  
**From:** epaelearningrequest  
**Sent:** Fri 8/18/2017 3:05:19 PM  
**Subject:** FW: Two FY17 Freedom of Information Act courses are NOW in your Skillport Online Learning Plan - Why?

Two FY17 Freedom of Information Act (FOIA) courses are NOW in your Skillport Learning Plan - Why?

The FY17 FOIA course has been updated to correct some of the functionality issues that were occurring. The learners who have already completed the original version will not see the revised course in their learning plan.

However, the learners who have NOT STARTED the course will have the opportunity to take the updated FY17 FOIA course. The eLearning system will not allow us to remove the original FOIA course version without impacting others, so you will have TWO FOIA courses in your learning plan. Please ignore the original FOIA course and take the revised course to meet the EPA mandatory course requirement.

You can complete the course in under 15 minutes. Please select the course with the **REV2**





## FY17 FOIA Awareness Training

**Custom - Course:** 20  
Minutes



## FY17 FOIA Awareness Training Rev2

**Custom - Course:** 15  
Minutes

Thank you for your understanding, we are always striving to make things better!

Skillport eLearning

[EPA University](#)

[Leadership Development Institute](#)



**To:** AO-OCIR Everyone[AOOCIR\_Everyone@epa.gov]  
**From:** Richardson, RobinH  
**Sent:** Fri 9/22/2017 1:18:10 PM  
**Subject:** Bagels in the Bay...

Good morning everyone! Please swing by the OCIR IO bay and fix a bagel for yourself! Happy Friday!

-----  
Robin H Richardson  
PDAA/OCIR  
202-564-3358 (desk)

Personal Matters/Ex. 6

richardson.robinh@epa.gov

**To:** Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Ferebee, Karmel  
**Sent:** Wed 8/16/2017 8:02:42 PM  
**Subject:** RE: Salary History

Howard Barnett assisted Ms. Flores.

**From:** Bangerter, Layne  
**Sent:** Tuesday, August 15, 2017 2:23 PM  
**To:** Ferebee, Karmel <ferebee.karmel@epa.gov>  
**Cc:** Lisa.flores@dm.usda.gov  
**Subject:** FW: Salary History

Karmel: Can you please work with Lisa Flores at USDA on documentation of my income? Below is from Hayley Ford, our Deputy White House Liaison here at the Environmental Protection Agency. A phone number for Lisa is: Ex. 5 - Deliberative Process

Thanks!

Layne R. Bangerter

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Senior Advisor to the Administrator

U.S. Environmental Protection Agency

**From:** Ford, Hayley  
**Sent:** Monday, August 14, 2017 1:52 PM  
**To:** Bangerter, Layne <bangerter.layne@epa.gov>; Munoz, Charles <munoz.charles@epa.gov>  
**Subject:** RE: Salary History

Layne,

See below. Thanks!

## Personal Matters/Ex. 6

### Hayley Ford

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Personal Phone/Ex. 6

**To:** Hanson, Andrew[Hanson.Andrew@epa.gov]  
**Cc:** Matthews, Demond[matthews.demond@epa.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Hannon, Arnita  
**Sent:** Wed 8/30/2017 9:47:16 PM  
**Subject:** RE: Need Your Recommendation on Who to Invite from OP to the NLC Leadership Meeting on Sept 7th

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“The Other AH”

M. Arnita Hannon Christmon

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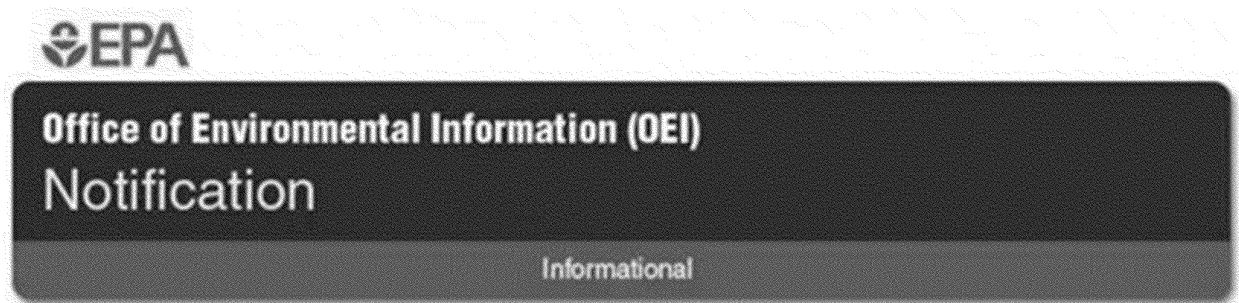
202.564.3704 (O)

**Personal Matters/Ex. 6**

202.501.1545 (Fax)

[hannon.arnita@epa.gov](mailto:hannon.arnita@epa.gov)

**To:** EPA-DynamicMassMailer[EPA-DynamicMassMailer@epa.gov]  
**From:** OEI-MassMailer-Mailbox  
**Sent:** Wed 11/8/2017 3:24:46 PM  
**Subject:** Information Notification: EPA Remote Access System Upgrade



**Please do not reply to this message. Thank you.**

## Summary

On **Tuesday, November 14 at 6:00 a.m.**, the EPA Remote Access system will be upgraded. The new EPA Remote Access system provides additional processing capacity, addresses security issues, and supports a broader range of devices and browsers. During this upgrade, there is no system or service outage scheduled or expected, so there is no action you'll be required to take.

## What You Need to Do – Installer Service Upgrade

- If your EPA-issued computer is on the EPA network, the installer service program will automatically be updated. No action or reboot is required.
- If your EPA-issued computer receives the installer service program update while working remotely, a window may appear and lead you through the update process. This may cause a momentary disconnection from the network, but you will be reconnected automatically when the update is complete. No other actions or reboot is required.

## What You Need to Do – Pulse Secure VPN Client Upgrade



- When connecting to the new remote access system after the November 14 system upgrade, you may experience momentary delays while the client software is automatically updated. Additionally, you may be requested to select “Yes” or “Always” to complete the update process. No other actions or reboot is required.

## **Contact**

If you have questions, please call 1 (866) 411-4EPA (4372), and Press Option 3 for the EZ Tech Service Desk — or send an email to [EZTech@epa.gov](mailto:EZTech@epa.gov).

**To:** Anderson, Denise[anderson.denise@epa.gov]  
**From:** Anderson, Denise  
**Sent:** Wed 8/30/2017 9:17:44 PM  
**Subject:** 9.1.17 - 9.8.17 | Schedule for Acting Deputy Administrator Mike Flynn

## **Schedule for Acting Deputy Administrator Mike Flynn**

### **Friday, September 01, 2017**

07:30 AM - 08:30 AM SOME -

08:30 AM - 09:00 AM Daily Meeting w/Special Assistants - 3412 WJC-N (Mike's Office)

10:00 AM - 11:00 AM EO Discussion - DCRoomARN3330/DC-AR-OARM

12:30 PM - 01:00 PM Executive Time: Do Not Schedule -

01:00 PM - 02:00 PM OMB Check-In - 3402 WJC-N

03:00 PM - 03:30 PM Weekly Check-in with Acting RA Alexis Strauss/Deborah Jordan -  
Teleconference

### **Monday, September 04, 2017**

12:00 AM - 12:00 AM HOLIDAY -

## **Tuesday, September 05, 2017**

08:30 AM - 09:00 AM Daily Meeting w/Special Assistants - 3412 WJC-N (Mike's Office)

09:00 AM - 10:00 AM OCR's FADs - WJC-N 3412

10:00 AM - 10:30 AM Weekly Check-in with Region 2 RA Catherine McCabe - Teleconference

11:00 AM - 11:15 AM Executive and Administrative Check-in -

12:00 PM - 01:00 PM National HQ & RG 1st Assistants VTC - DCRoomARN3330/DC-AR-OARM

01:00 PM - 02:00 PM Senior Staff Meeting - Alm Conference Room

01:30 PM - 02:00 PM General Discussion - WJC-N 3412

02:00 PM - 02:30 PM Weekly Check-in with Acting RA Bob Kaplan - Teleconference

03:00 PM - 03:30 PM Weekly Check-in with Region 7 Acting RA Ed Chu - Teleconference

03:30 PM - 04:00 PM Check-In with Mike - 3402 WJC-N

04:00 PM - 04:30 PM Weekly Check-in with ARA Debra Thomas - Teleconference

04:30 PM - 05:00 PM Weekly Check-in with Sam Coleman -

**Wednesday, September 06, 2017**

08:30 AM - 09:00 AM Daily Meeting w/Special Assistants - 3412 WJC-N (Mike's Office)

10:30 AM - 11:30 AM EO Discussion - DCRoomARN3330/DC-AR-OARM

12:00 PM - 01:00 PM HQ 1st Assistants Brownbag - DCRoomARN3330/DC-AR-OARM

02:00 PM - 03:00 PM CDP ERB Meeting (VTC) - DCRoomARN3330/DC-AR-OARM

03:30 PM - 04:00 PM General Discussion - WJC-N 3412

04:00 PM - 04:30 PM Weekly Check-in with Acting RA Anne Heard - Teleconference

**Thursday, September 07, 2017**

08:30 AM - 09:00 AM Daily Meeting w/Special Assistants - 3412 WJC-N (Mike's Office)

09:30 AM - 10:00 AM Weekly Check-in with Acting RA Cecil Rodrigues - Teleconference

10:00 AM - 12:00 PM Invitation: September President's Management Council Meeting @ Thu  
Sep 7, 2017 10am - 12pm (EDT) (flynn.mike@epa.gov) - EEOB 430

10:00 AM - 10:30 AM Weekly General Discussion with David Bloom - WJC-N 3412

12:30 PM - 01:00 PM Executive Time: Do Not Schedule -

01:00 PM - 01:30 PM Weekly Check-in with Acting RA Michelle Pirzadeh - Region 10 -  
Teleconference

02:00 PM - 02:30 PM General Discussion - WJC-N 3412

02:30 PM - 03:00 PM Executive and Administrative Weekly meeting - WJC-N 3412

03:00 PM - 03:30 PM Cohort 2 ERB Meeting - DCROOMWJCN3330Q

03:30 PM - 04:00 PM Check-In with Mike - 3402 WJC-N

04:00 PM - 05:00 PM OHS Weekly General - Room 3302A WJC North

### **Friday, September 08, 2017**

08:00 AM - 12:00 PM Personal -

08:30 AM - 09:00 AM Daily Meeting w/Special Assistants - 3412 WJC-N (Mike's Office)

10:00 AM - 10:30 AM Bi-weekly check-in with Steve Fine - WJC-N 3412

12:30 PM - 01:00 PM Executive Time: Do Not Schedule -

01:00 PM - 01:30 PM Check-in with Sarah Dunham - WJC-N 3412

03:00 PM - 03:30 PM Weekly Check-in with Acting RA Alexis Strauss - Teleconference

###

Denise L. Anderson

Office of the Administrator

Desk: 202-564-1782

**Personal Matters/Ex. 6**

anderson.denise@epa.gov

**To:** Flores, Lisa - OHRM, Washington, DC[Lisa.Flores@dm.usda.gov]; Bangerter, Layne[bangerter.layne@epa.gov]  
**From:** Ferebee, Karmel  
**Sent:** Wed 8/16/2017 6:33:45 PM  
**Subject:** RE: Salary History

Hello Ms. Flores

I just left you a telephone message.

V/R,

**Karmel Ferebee**

Benefits & Retirement Specialist (Contractor)

U.S. EPA/Executive Resources Division

[ferebee.karmel@epa.gov](mailto:ferebee.karmel@epa.gov)

(202) 564-4059

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**From:** Flores, Lisa - OHRM, Washington, DC [mailto:Lisa.Flores@dm.usda.gov]  
**Sent:** Wednesday, August 16, 2017 11:26 AM  
**To:** Bangerter, Layne <bangerter.layne@epa.gov>; Ferebee, Karmel <ferebee.karmel@epa.gov>  
**Subject:** RE: Salary History

Karmel, If you could give me a call that would be great. Thanks so much.



**Lisa Flores**  
Senior Human Resources Specialist – Executive Resources Management Division

Office of Human Resources Management

United States Department of Agriculture

**Office:** 202-720-8244

**Personal Phone/Ex. 6**

[Customer Service Survey](#)

**From:** Bangerter, Layne [mailto:bangerter.layne@epa.gov]  
**Sent:** Tuesday, August 15, 2017 2:23 PM  
**To:** Ferebee, Karmel <ferebee.karmel@epa.gov>  
**Cc:** Flores, Lisa - OHRM, Washington, DC <Lisa.Flores@dm.usda.gov>  
**Subject:** FW: Salary History



Karmel: Can you please work with Lisa Flores at USDA on documentation of my income?  
Below is from Hayley Ford, our Deputy White House Liaison here at the Environmental Protection Agency. A phone number for Lisa is: (202)720-8244.

Thanks!

Layne R. Bangerter

Deputy Associate Administrator

Office of Congressional and Intergovernmental Relations

Senior Advisor to the Administrator

U.S. Environmental Protection Agency

**From:** Ford, Hayley

**Sent:** Monday, August 14, 2017 1:52 PM

**To:** Bangerter, Layne <[bangerter.layne@epa.gov](mailto:bangerter.layne@epa.gov)>; Munoz, Charles  
<[munoz.charles@epa.gov](mailto:munoz.charles@epa.gov)>

**Subject:** RE: Salary History

Layne,

See below. Thanks!

**Personal Phone/Ex. 6**

**Hayley Ford**

Deputy White House Liaison

Office of the Administrator

Environmental Protection Agency

Room: 3309C William Jefferson Clinton North

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

**Personal Matters/Ex. 6**

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**To:** Anderson, Denise[anderson.denise@epa.gov]  
**From:** Anderson, Denise  
**Sent:** Wed 8/30/2017 9:17:36 PM  
**Subject:** Thursday, August 31, 2017 | Schedule for Acting Deputy Administrator Mike Flynn

## **Schedule for Acting Deputy Administrator Mike Flynn**

**Thursday, August 31, 2017**

08:30 AM - 09:00 AM Daily Meeting w/Special Assistants - 3412 WJC-N (Mike's Office)

09:30 AM - 10:00 AM Weekly Check-in with Acting RA Cecil Rodrigues - Teleconference

10:00 AM - 10:30 AM Weekly General Discussion with David Bloom - WJC-N 3412

11:00 AM - 12:00 PM PFAS Coordination Check-in - DCRoomARN3530CFTB/DC-Ariel-Rios-AO

Call In Non-responsive Conference Code/Ex.6

EPA Staff (Required): Mike Flynn, Robert Kavlock (ORD), Richard Yamada (ORD), Mike Shapiro (OW), Lee Forsgren (OW), Barry Breen (OLEM), Louise Wise (OCSPP), Nancy Beck (OCSPP), Anne Heard (R4), Cecil Rodrigues (R3), Deb Szaro (R1), Robert Kaplan (R5), Nancy Grantham (OPA), Silvina Fonseca

EPA Staff (Optional): Susan Burden

12:00 PM - 01:00 PM Lunch -

01:00 PM - 03:00 PM Priority Area Kaizen Report Out: Problem Statement, Goals and Objectives - ARN 3530

Conference Line: **Non-responsive Conference Code/Ex.6**

03:00 PM - 05:00 PM Invitation: Brendan Doyle Retirement Party - August 31st, 3-5 pm,  
RRB 51161 - ORD DC RRB 51161 Polycium GCI; Emily Snyder office in RTP; Cincinnati  
Classroom 120

04:00 PM - 05:00 PM OHS Weekly General - Room 3302A WJC North

05:00 PM - 05:30 PM Weekly Check-in with Acting RA Michelle Pirzadeh - Region 10 -  
Teleconference

Teleconference line: **Non-responsive Conference Code/Ex.6**

05:30 PM - 06:00 PM Check-In with Mike - 3402 WJC-N

###

Denise L. Anderson

Office of the Administrator

Desk: 202-564-1782

**Personal Phone/Ex. 6**

anderson.denise@epa.gov

**To:** AO PUBLIC GROUPS[AO\_PUBLIC\_GROUPS@epa.gov]  
**From:** Tomlin, Matthew  
**Sent:** Tue 9/5/2017 2:30:37 PM  
**Subject:** Announcing AO Honor Awards!

Good morning colleagues,

AO leadership is committed to employee engagement in our office. One of the ways to continue this effort is through timely and appropriate recognition of outstanding work and leadership.

**“You don’t inspire your teammates by showing them how amazing *you* are.**

**You inspire them by showing them how amazing *they* are.” – Robyn Benincasa**

OAES has recently developed nine new categories of AO Honor Awards, including Peer Awards, designed to recognize contributions to AO’s mission, vision and values. **Any AO employee can submit a nomination** for an AO Honor Award in three easy steps:

1. Think of someone or a team that has done exceptional work (refer to awards criteria and guidance)
2. Run it by your supervisor for concurrence
3. Fill out the quick nomination form on our AO SharePoint site

**Nominations will be accepted through AO’s SharePoint site until September 18, 2017.** Award winners will be selected by the AO Honor Awards Board and announced in October. All Agency and AO Honor Award winners will be recognized at the AO Awards Ceremony to be held in December.

Employees are encouraged to share feedback on these new awards and the nomination process with their managers. If you have any general questions or concerns, please contact Matthew Tomlin, AO Awards Coordinator, at 202-564-2797.